

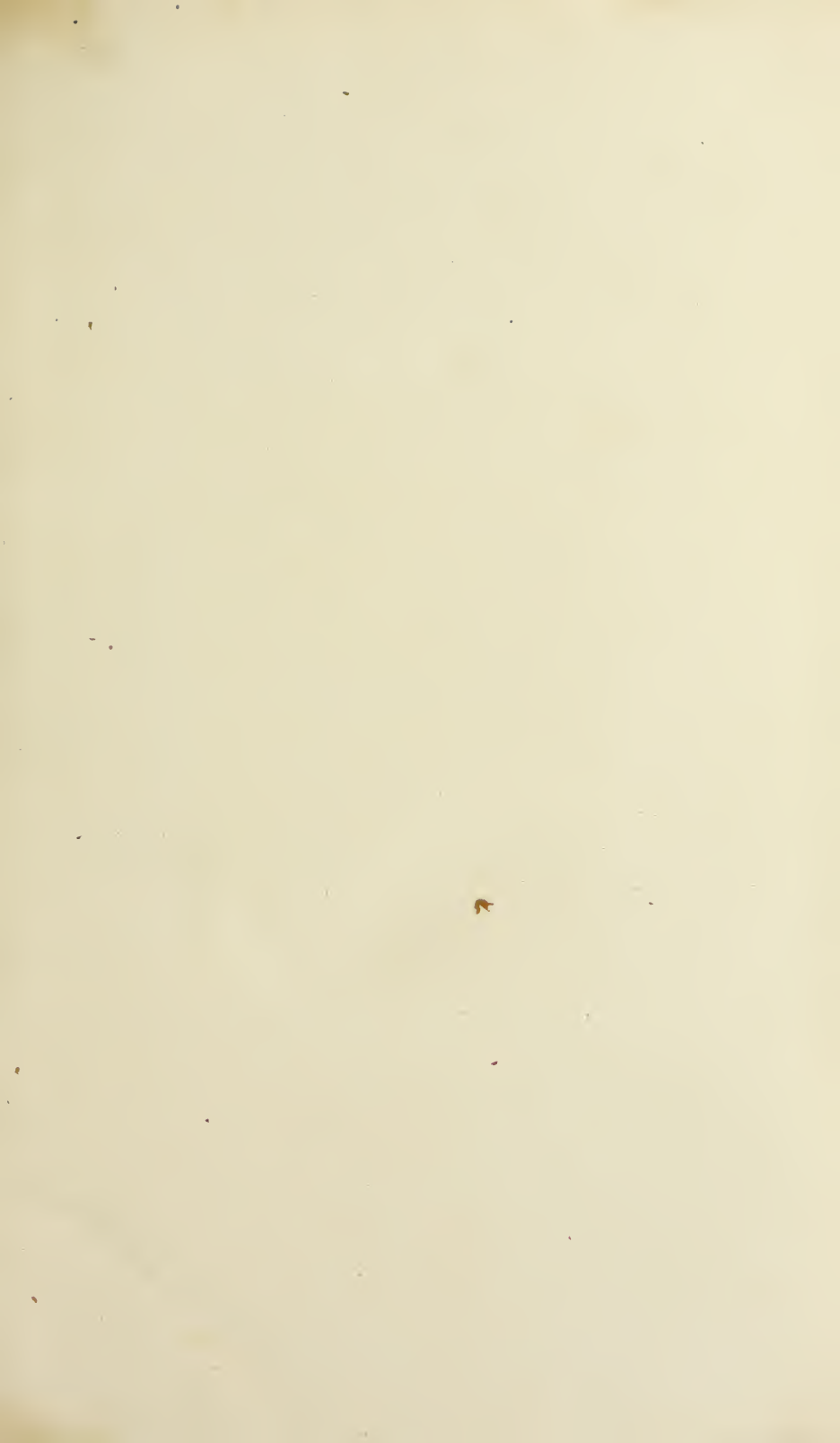
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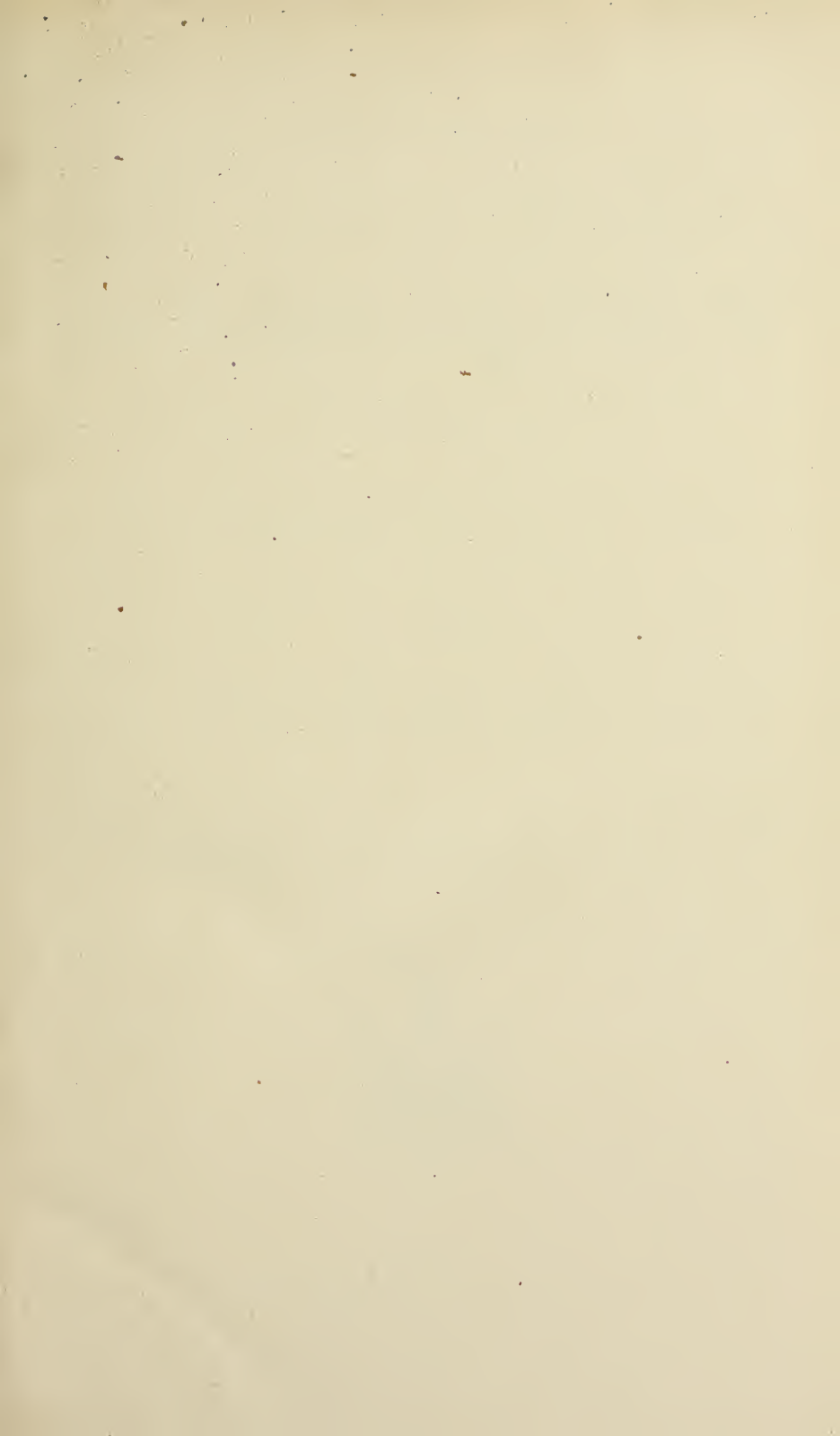
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JOURNAL

OF THE

ASSEMBLY

OF THE

STATE OF NEW YORK

AT THEIR

ONE HUNDRED AND TWENTY-EIGHTH SESSION

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF ALBANY  
ON WEDNESDAY, THE FOURTH DAY OF JANUARY, 1905.



ALBANY  
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# JOURNAL OF THE ASSEMBLY.

## STATE OF NEW YORK:

### ASSEMBLY CHAMBER IN THE CITY OF ALBANY,

WEDNESDAY, JANUARY 4, 1905.

Pursuant to section six of article ten of the Constitution of this State, the gentlemen whose names are given in the following list appeared in the Assembly Chamber. The said list contains the names of the representatives elected to the Assembly in the several districts for the current year, as certified by the Secretary of State, viz.:

County.	District.	Name.
Albany .....	1	Charles W. Mead.
	2	Abram S. Coon.
	3	William V. Cooke.
	4	William J. Grattan.
Allegany .....	..	Jesse S. Phillips.
Broome .....	1	James T. Rogers.
	2	Fred E. Allen.
Cattaraugus. ....	1	Jasper E. Smith.
	2	James C. Sheldon.
Cayuga .....	1	Judson W. Hapeman.
	2	J. Guernsey Allen.
Chautauqua .....	1	Arthur C. Wade.
	2	S. Frederick Nixon.
Chemung .....	..	Sherman Moreland.
Chenango .....	..	Charles L. Carrier.
Clinton .....	..	H. Wallace Knapp.
Columbia .....	..	Edward W. Scovill.
Cortland .....	..	Charles O. Newton.
Delaware .....	..	James R. Cowan.
Dutchess .....	1	John T. Smith.
	2	Augustus B. Gray.

County.	District	Name.
Erie .....	1	Charles J. Quinn.
	2	Robert Lynn Cox.
	3	Frank S. Burzynski.
	4	William C. Tenjost.
	5	Charles F. Brooks.
	6	Frank W. Standart.
	7	John K. Patton.
	8	Luther J. Shuttleworth.
Essex .....	..	Frank C. Hooper.
Franklin .....	..	Charles R. Matthews.
Fulton and Hamilton.....	..	Frank C. Wood.
Genesee .....	..	S. Percy Hooker.
Greene .....	..	William C. Brady.
Herkimer .....	..	Abram B. Steele.
Jefferson .....	1	Albert Foster.
	2	J. Frank LaRue.
Kings .....	1	Thomas O'Neill.
	2	John McKeown.
	3	Thomas P. Reilly.
	4	Charles H. Cotton.
	5	Otto G. Foelker.
	6	Charles J. Dodd.
	7	Michael J. Grady.
	8	James A. Thompson.
	9	James J. Byrne.
	10	Charles F. Murphy.
	11	Wm. S. Shanahan.
	12	Oscar L. Thonet.
	13	Thomas F. Mathews.
	14	George W. Kavanaugh.
	15	Harry H. Dale.
	16	Richard C. Perry.
	17	Edward C. Dowling.
	18	Charles H. Fuller.
	19	John Wolf.
	20	William H. Pendry.
	21	Charles H. Francisco.
Lewis .....	..	H. E. Slocum.
Livingston .....	..	J. W. Wadsworth, Jr.
Madison. . . . .	..	Robert J. Fish.



County.	District.	Name.
Monroe .....	1	Dewitt C. Becker.
	2	Charles E. Ogden.
	3	Charles E. Callahan.
	4	Albert P. Beebe.
Montgomery .....	..	William B. Charles.
New York.....	1	Thos. B. Caughlan.
	2	Alfred E. Smith.
	3	Richard J. Malloy.
	4	William H. Burns.
	5	Leslie J. Tompkins.
	6	Charles Anderson.
	7	Peter P. Sherry.
	8	Louis Freidel.
	9	Patrick H. Bird.
	10	Frederick J. Etzel.
	11	John J. Sammon.
	12	Edward Rosenstein.
	13	John C. Hackett.
	14	Albert C. Wiegand.
	15	Thomas J. McManus.
	16	Gustave Hartman.
	17	Michael J. Sheehy.
	18	Edward B. La Fetra.
	19	Mervin C. Stanley.
	20	Peter L. Fitzsimons.
	21	William Young.
	22	Wm. H. Hornidge.
	23	Richard H. Smith.
	24	James J. Nugent.
	25	Ezra P. Prentice.
	26	Michael J. Machacek.
	27	George B. Agnew.
	28	Emanuel S. Cahn.
	29	Frederic E. Perham.
	30	Robert F. Wagner.
	31	Joseph Beihlf.
	32	Leopold Prince.
	33	Jacob E. Salomon.
	34	William J. Ellis.
	35	Peter J. Everett.

County.	District.	Name.
Niagara .....	1	George F. Thompson.
	2	John H. Leggett.
Oneida .....	1	Henry L. Gates.
	2	Jay H. Pratt.
	3	John C. Evans.
Onondaga .....	1	Frank X. Wood.
	2	Edward Schoeneck.
	3	Martin L. Cadin.
	4	Fred W. Hammond.
Ontario .....	..	Jean L. Burnett.
Orange .....	1	William G. Hastings.
	2	Louis Bedell.
Orleans .....	..	Henry V. Wilson.
Oswego .....	1	Thomas D. Lewis.
	2	Fred. G. Whitney.
Otsego .....	..	Deloss E. Bass.
Putnam .....	..	John R. Yale.
Queens .....	1	Joseph Sullivan.
	2	Theodore P. Wilsnack.
Queens and Nassau.....	3	William G. Miller.
Rensselaer .....	1	Frank L. Stevens.
	2	William V. Donovan.
	3	Calvin A. Gardner.
Richmond .....	..	A. J. B. Wedemeyer.
Rockland .....	..	Matthew Hurd.
St. Lawrence.....	1	Charles S. Plank.
	2	Edwin A. Merritt, Jr.
Saratoga .....	..	George H. Whitney.
Schenectady .....	..	William W. Wemple.
Schoharie .....	..	George M. Palmer.
Schuyler .....	..	John W. Gurnett.
Seneca .....	..	William J. Maier.
Steuben .....	1	Frank C. Platt.
	2	Jerry E. B. Santee.
Suffolk .....	1	Willis A. Reeve.
	2	Orlando Hubbs.
Sullivan .....	..	Edward Bisland.
Tioga .....	..	Edwin S. Hanford.
Tompkins .....	..	George E. Monroe.
Ulster .....	1	Charles T. Coutant.
	2	Wm. D. Cunningham.

County.	District.	Name.
Warren .....	..	Wm. R. Waddell.
Washington .....	..	James S. Parker.
Wayne .....	..	Addison P. Smith.
Westchester .....	1	George N. Rigby.
	2	J. M. Wainwright.
	3	James K. Apgar.
Wyoming .....	..	Elmer E. Charles.
Yates.....	..	Leonidas D. West.

STATE OF NEW YORK, } ss.:  
*Office of the Secretary of State,*

I hereby certify that the foregoing is a correct list of the members of Assembly, elected in the several Assembly districts of said State, at the general election held November 8, 1904, as certified to this office by the county clerks of the several counties of said State, and which certificates remain on file in this office.

Witness my hand, the seal of office of the Secretary of State, at the city of Albany this fourth day of January,  
 [L. S.] nineteen hundred and five.

JOHN F. O'BRIEN,  
*Secretary of State.*

The members were called to order at 11 o'clock a. m. by A. E. Baxter, Clerk of the last Assembly.

The proceedings were opened with prayer by Rev. A. H. Lucas.

The Clerk announced the resignation of Henry L. Gates, as journal clerk, to take effect December 1, 1904.

The Clerk announced the appointment of William K. Mansfield as journal clerk to open the session of 1905, in place of Henry L. Gates, resigned.

The Clerk then called the roll as furnished by the Secretary of State, and the following members responded:

Agnew	Dodd	Kavanaugh	Phillips	Standart
Allen F E	Donovan	Knapp	Plank	Stanley
Allen J G	Dowling	La Fetra	Platt	Steele
Apgar	Ellis	La Rue	Pratt	Stevens
Bass	Etzel	Lewis	Prentice	Sullivan
Becker	Evans	Machacek	Prince	Tenjost
Bedell	Fish	Maier	Quinn	Thompson G F
Beebe	Foelker	Malloy	Reeve	Thompson J A
Beihlf	Foster	Mathews T F	Reilly	Thonet
Bird	Francisco	Matthews C R	Rigby	Tompkins
Bisland	Freidel	McKeown	Rogers	Waddell
Brady	Fuller	McManus	Rosenstein	Wade
Brooks	Gates	Merritt	Salomon	Wagner
Burnett	Grady	Miller	Sammon	Wadsworth

Burns	Grattan	Monroe	Santee	Wainwright
Burzynski	Gray	Moreland	Schoeneck	Wedemeyer
Byrne	Gurnett	Murphy	Scovill	West
Cadin	Hackett	Newton	Shanahan	Wemple
Cahn	Hammond	Nixon	Sheehy	Whitney F G
Callahan	Hanford	Nugent	Sheldon	Whitney G H
Carrier	Hapeman	Ogden	Sherry	Wiegand
Caughlan	Hartman	O'Neill	Shuttleworth	Wilsnack
Charles W B	Hastings	Palmer	Slocum	Wilson
Cooke	Hooker	Parker	Smith A P	Wolf
Coon	Hooper	Patton	Smith A E	Wood F C
Cotton	Hornidge	Pendry	Smith J E	Wood F X
Cowan	Hubbs	Perham	Smith J T	Yale
Cox	Hurd	Perry	Smith R H	Young 140

A quorum having answered to their names, the Clerk announced the first business in order was the election of a Speaker.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That the House do now proceed to the election of Speaker; that the roll of members be called by the Clerk, and that each member, as his name is called, rise in his place and openly name his choice for such office.

The Clerk put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The House then proceeded to the election of Speaker.

The Clerk called the roll of members, whereupon each member, as his name was called, rose in his place and nominated as follows:

#### FOR S. FREDERICK NIXON.

Agnew	Cowan	Hooper	Perham	Stanley
Allen F E	Cox	Hubbs	Perry	Steele
Allen J G	Cunningham	Hurd	Phillips	Stevens
Apgar	Dowling	Knapp	Plank	Tenjost
Bass	Etzel	La Rue	Platt	Thompson G F
Becker	Evans	Leggett	Pratt	Thonet
Bedell	Fish	Lewis	Prentice	Waddell
Beebe	Foelker	Maier	Reeve	Wade
Beihilf	Foster	Matthews C R	Rigby	Wadsworth
Bisland	Francisco	Mead	Rogers	Wainwright
Brady	Freidel	Merritt	Santee	West
Brooks	Gardner	Miller	Schoeneck	Wemple
Burnett	Gates	Monroe	Scovill	Whitney F G
Cadin	Grattan	Moreland	Sheldon	Whitney G H
Callahan	Gray	Murphy	Shuttleworth	Wilsnack
Carrier	Hammond	Newton	Slocum	Wilson
Charles E E	Hanford	Ogden	Smith A P	Wood F C
Charles W B	Hapeman	O'Neill	Smith J E	Wood F X
Coon	Hartman	Parker	Smith J T	Yale
Cotton	Hastings	Patton	Standart	Young
Coutant	Hooker	Pendry		

## FOR GEORGE M. PALMER.

Bird	Ellis	LaFetra	Reilly	Smith R H
Burns	Everett	Machacek	Rosenstein	Sullivan
Burzynski	Fitzsimons	Malloy	Salomon	Thompson J A
Byrne	Fuller	Mathews T F	Sammon	Tompkins
Caughlan	Grady	McKeown	Shanahan	Wagner
Cooke	Gurnett	McManus	Sheehy	Wedemeyer
Dale	Hackett	Nugent	Sherry	Wiegand
Dodd	Hornidge	Prince	Smith A E	Wolf
Donovan	Kavanaugh	Quinn		

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Mr. S. Frederick Nixon having received a majority of all the votes cast, the Clerk declared him duly elected Speaker of the Assembly of 1905, and appointed Messrs. Rogers and McKeown a committee to conduct the Speaker to the chair.

Mr. Speaker, on taking the chair, addressed the House as follows:

*Gentlemen of the Assembly:*

I now have the unprecedented honor of returning thanks for a seventh election to this high office. Thanks to your partiality and that of preceding assemblies, this year gives me seven consecutive terms as Speaker. I do not mention this in a spirit of boasting, but to emphasize my sense of obligation to you and to those who have heretofore honored me. Such continued preferment is not only prized as an approval of my past record in this position; it is an inspiration for earnest endeavor to retain your confidence. I hope to win your approval during the session of 1905 by exact fairness to all and careful attention to every duty.

In the legislative record of this State during my connection therewith there is no feature that has given me so much satisfaction as that which relates to the cause of popular education. Increased appropriations for the Free School Fund, for school libraries, for normal schools, for instruction in scientific methods of agriculture, and for free tuition in high schools, have all proved in the highest degree useful, and have added to the renown of our State as among the most progressive of all the States in the glorious work of educating all the children of all the people.

Last year we doubled the appropriation for school libraries and voted \$250,000 for a State Agricultural College at Ithaca. It is now suggested that there should be elementary schools for teaching agricultural science in the country, and to instruct the rising generation in the cities in handicraft so they may be fitted for useful employments. Domestic science is recommended for both city and country. We must not lose sight of the main purpose of our public school system, namely, training for good



citizenship, and providing so far as possible that each generation may come to manhood and womanhood capable of self support and able also to support others who may be dependent upon them.

Agricultural high schools aided by the State have been established in Wisconsin, Alabama and California. Wisconsin has two county high schools for teaching agriculture and domestic economy, and some of the primary and grammar schools are giving instruction in the elements of agriculture. School gardens or miniature farms are recommended in connection with schools where agriculture is taught, so that practical illustration of the important points may be given. A number of State legislatures have passed laws recently whereby the public schools are encouraged to provide instruction in agriculture. In Europe we find Norway, Denmark, Finland, France, Switzerland, Belgium, Russia, Germany, Holland, Great Britain, all maintaining numerous agricultural schools.

I deem this subject of elementary agricultural and industrial education important because it is a matter of statistics that over nine-tenths of the pupils in our public schools do not attend school after completing the eight years occupied in the elementary grades. Their training during those years should therefore be made of as much practical benefit as possible. Domestic science and household economy taught the young girls in those grades would do much for the homes of the people, making them attractive and conservators of good citizenship. Teachers of the highest efficiency should be employed and to that end our twelve normal schools should be liberally supported and higher salaries paid if necessary to secure the best of talent in the training of teachers.

Not only is deplored the great rush of the youth of the country to the large cities, but the lack of mechanical training in the cities is found to be such that while there is constant demand for more skilled labor, with advancing wages, the employments of the unskilled are overcrowded and the pay has diminished until in many large mercantile establishments the weekly wage is a mere pittance. The remedy for this condition is more practical manual training in both city and country.

It is a colossal sum that our State and the cities and towns within the State are expending for common school and higher education. In round numbers it amounts to \$42,000,000 every year—one sixth as much as is spent for the same purpose in all the United States. We should see to it that this great expenditure shall produce the most valuable results possible.

A year ago I mentioned the subject of Forestry, urging more scientific instruction in that line, with the view of preserving the

wooded lands of the State in the best condition and at the same time making them profitable. These lands, comprising nearly twelve million acres, of which the State owns only about one-eighth, are becoming more and more important in conserving the stability of streams of water, and encouragement should be given for preserving this wooded area as large as possible. The question of water supply for cities is becoming more and more pressing. As the city grows it reaches out farther and farther for more water, and soon begins to encroach upon the resources of some other city, or to exhaust the streams and water powers of other localities. The State will yet have to be divided into districts and some authority provided to make a fair division of the water. Cities will have to co-operate in developing distant sources of supply. The City of Boston, Massachusetts, is supplied by a district that also supplies sixteen adjacent towns, and the district is all under the control of one water and sewerage commission. In western states where water is required for irrigation, the sources of supply are all under State control. I commend this important subject to your careful consideration.

Complaint is made that the laws for preventing adulterations of articles of food are more lax in this State than in many others. Examination shows that our laws are strict, but the responsibility for enforcing them is divided. There should be one well paid official to see that all our pure food laws are enforced.

The subject of good roads is being agitated more and more in connection with the proposition to bond the State for \$50,000,000 for road improvement. This sum, it is estimated, will improve 7,400 miles, or one-tenth of all the roads in the State. It is unfortunate that no plan has yet been devised to make a good road, such as the State Engineer recommends, for less than \$8,000 per mile, and after that kind of a stone road is built it soon needs expensive repairs; it becomes worn into ruts and the material grinds into dust and rapidly blows away except where it is constantly sprinkled. If some form of steel tracks could be laid which would accommodate a farm wagon and reduce the necessary drawing power to a minimum, it would be more permanent, but those who have made the subject a study still favor the crushed stone road bed and no other seems to be available. In counties containing large cities the present law seems to be satisfactory, for the city pays most of the county's share, and the improved road tends to bring trade to the city. In strictly rural counties there are many towns which cannot afford to pay even 15 per cent. of the cost of an improved highway, and they object to being taxed to pay any part of the county's 35 per cent. It has seemed to me that in such counties any populous and wealthy

town should be allowed to petition for an improved road and pay for half the cost, not calling on the county for any aid. This plan of each town improving its own roads would do away with all controversy in boards of supervisors as to which town should be served first and how many miles each town should have, and in the long run such towns might be as well off as they would under a heavy county debt. In such an arrangement it might be provided that in case the county should afterwards assume 35 per cent. of the cost of road improvements, the towns that had paid 50 per cent. should be reimbursed by the county to an equitable amount. The heavy expense imposed upon commercial travelers and college students who go home long distances to register in person and then must go again to vote, was brought before the Assembly in my address a year ago, and an attempt made to relieve such voters of half their expense. The bill introduced did not pass because the Constitution was found to require registration in person in a way that could not be evaded, and the plan of allowing registration in the summer was found to be impracticable. I still think that this difficulty should be relieved in some way, if necessary by amending the Constitution. A citizen of the State of Ohio, finding himself more than fifty miles away from his voting place about the time for registration, fills out and signs a blank stating all the particulars that are required by the registration board, goes before a judicial officer and swears to it, and that sworn statement being received by the election board of his district in proper time, secures the registration of the voter and saves him an extra journey home. Some such arrangement, properly guarded, is desirable in this State because the citizens who now lose their opportunity to vote by reason of the expense and time lost in going a long distance to register, comprise a large and intelligent class whose presence at the polls at every election is potent for good government.

A bill to relieve publishers of the presumption of malice when they happen to print an erroneous news item alleged to be libelous, by allowing relief from that presumption on publication of a conspicuous correction, passed the Assembly last year but failed in the Senate. I am convinced that the publishers who asked for that bill sought only fair treatment in cases where they now are prosecuted for blackmailing purposes. The construction of a modern newspaper combines so many different agencies for news gathering, that errors will appear, and where all possible reparation is promptly made editorially, it seems to me that compensatory damages should satisfy the plaintiff, and punitive damages need not be inflicted. None of the publishers who have asked for this bill desire immunity from the penalties



now incurred by editorial attacks, nor do they desire to reduce the penalty for willful defamation. I trust that some form of amendment may be agreed upon which will give relief to honest and fair minded publishers in cases where under present conditions and recent decisions they often suffer severely and unjustly.

In this connection I am moved to mention the flippant manner in which telegraphic correspondents some times asperse the motives and character of members of both houses of the Legislature. Such sensational statements in metropolitan journals have been generally ignored, but they tend to deprive honest legislators of the respect and confidence of the public. The authors should be called upon to justify what they have written. This much is due to the dignity and good name of the House. In these remarks I cast no reflection upon the body of legislative correspondents. I have known them all year after year and as a rule have found them eminently fair and desiring to send only accurate reports. It is the very few exceptions that have proved the rule. I commend the great body of newspaper workers at Albany for their industry and enterprise and loyal good fellowship.

Women taxpayers now vote upon all tax propositions in villages and towns and in seventeen third-class cities. In twenty other third-class cities they have no vote, though in four of those cities a husband can vote on his wife's property. It seems to me only just that all women taxpayers should vote on all tax propositions, and I believe that every community would be benefited by the votes of such women. They are a conservative, conscientious, patriotic and intelligent class, and the more voters of that kind we have at the polls the better for the commonwealth. They are asking only what is reasonable and right.

The Lewis and Clark Centennial Exposition at Portland, Oregon, this year commemorates the important discovery by two intrepid explorers, of the northwest territory, which now comprises the States of Oregon, Washington, Idaho and parts of Montana and Wyoming. Arrangement has already been made for our State being represented at this exposition and an adequate amount should be appropriated to erect a suitable building and make a good exhibition of such of our products as may be sent.

One can hardly realize the growth of our nation till he sees the gains in population compared. In the past fifty years the United States of America has gained 232 per cent. in population; 22 per cent. in the last ten years. No other nation in the world shows anything like such an increase. A conservative estimate for the future indicates that we shall have a population of 107,000,000 in 1920. We believe that New York will then still be the Empire State of the great Union, and our own great city will

be its metropolis. Already the works of a public character that have begun or are contracted for and are being planned in the city of New York, both by the city and by corporations, involve an expenditure of not less than \$500,000,000. No other city in the world and in no other period of the world's history, have such colossal public works been undertaken at one time, and many of the most important will be completed within ten years; some of them in five. These facts impress a realizing sense of the great responsibility which is ours in legislating for such a State and for such a great city.

I am heartily in favor of all the home rule that can be given that city and every other city upon subjects in which the rest of the State is not vitally interested. I wish the same amount of home rule might also be extended to each county. A great amount of our time here is occupied with legislation that would be more intelligently considered and more wisely framed if delegated to the control of the Boards of Supervisors in the counties affected.

I again urge that you introduce all your local bills early. If you will all be prompt to heed this suggestion we can complete all the business of the session in three months, and give every important measure full and careful consideration.

You will avoid trouble and delay if you have all your bills drawn or revised by the bill drafting department. In times past many crude bills were introduced and it was found that eminent lawyers sometimes made numerous errors under our rules, in drafting bills. Hence the bill drafting department, which has proved its value and should be used to the fullest extent.

Again thanking you for the honor you have conferred upon me, promising fairness to all and tendering my assistance to all who may desire it, I await your farther pleasure.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved, That the House do now proceed to the election of Clerk; that the roll of members be called by the Clerk, and that each member, as his name is called, rise in his place and openly name his choice for such officer.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker directed the Clerk to call the roll, when each member, as his name was called, nominated as follows:

## FOR ARCHIE E. BAXTER.

Agnew	Cowan	Hooper	Pendry	Stanley
Allen F E	Cox	Hubbs	Perham	Steele
Allen J G	Cunningham	Hurd	Perry	Stevens
Apgar	Dowling	Knapp	Phillips	Tenjost
Bass	Etzel	La Rue.	Plank	Thompson G F
Becker	Evans	Leggett	Platt	Thonet
Bedell	Fish	Lewis	Pratt	Waddell
Beebe	Foelker	Maier	Prentice	Wade
Beihliff	Foster	Matthews C R	Reeve	Wadsworth
Bisland	Francisco	Mead	Rigby	Wainwright
Brady	Freidel	Merritt	Rogers	West
Brooks	Gardner	Miller	Santee	Wemple
Burnett	Gates	Monroe	Schoeneck	Whitney F G
Cadin	Grattan	Moreland	Scovill	Whitney G H
Callahan	Gray	Murphy	Sheldon	Wilsnack
Carrier	Hammond	Newton	Shuttleworth	Wilson
Charles E E	Hanford	Nixon	Slocum	Wood F C
Charles W B	Hapeman	Ogden	Smith A P	Wood F X
Coon	Hartman	O'Neill	Smith J E	Yale
Cotton	Hastings	Parker	Smith J T	Young
Coutant	Hooker	Patton	Standart.	

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## FOR JAMES J. GLEASON.

Bird	Donovan	Kavanaugh	Prince	Smith A E
Burns	Ellis	La Fetra	Quinn	Smith R H
Burzynski	Everett	Machacek	Reilly	Sullivan
Byrne	Fitzsimons	Malloy	Rosenstein	Thompson J A
Cahn	Fuller	Mathews T F	Salomon	Tompkins
Caughlan	Grady	McKeown	Sammon	Wagner
Cooke	Gurnett	McManus	Shanahan	Wedemeyer
Dale	Hackett	Nugent	Sheehy	Wiegand
Dodd	Hornidge	Palmer	Sherry	Wolf

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Mr. Speaker declared Archie E. Baxter duly elected Clerk of the Assembly for 1905.

Mr. Speaker administered the oath of office to Archie E. Baxter, Clerk-elect.

Mr. Coxe offered for the consideration of the House a resolution, in the words following:

Resolved, That Frank W. Johnson be and he hereby is elected Sergeant-at-Arms of the Assembly for the session of 1905.

Mr. Hackett moved to amend said resolution by striking out the name of Frank W. Johnson and inserting the name of John W. Cummings.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Hackett, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker declared Frank W. Johnson duly elected Sergeant-at-Arms of the Assembly for the session of 1905.

Mr. Prentice offered for the consideration of the House a resolution, in the words following:

Resolved, That Frank Scherer, Jr., be and he hereby is elected principal doorkeeper of the Assembly for the session of 1905.

Mr. McManus moved to amend said resolution by striking out the name of Frank Scherer, Jr., and inserting the name of P. J. Blute.

Mr. Speaker put the question whether the House would agree to said motion of Mr. McManus and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker declared Frank Scherer, Jr., duly elected principal doorkeeper of the Assembly for the session of 1905.

Mr. Mead offered for the consideration of the House a resolution, in the words following:

Resolved, That Andrew Kehn be and he hereby is elected first assistant doorkeeper of the Assembly for the session of 1905.

Mr. Guernett moved to amend said resolution by striking out the name of Andrew Kehn and inserting the name of James D. Considine.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Guernett, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker declared Andrew Kehn duly elected first assistant doorkeeper of the Assembly for the session of 1905.

Mr. Parker offered for the consideration of the House a resolution, in the words following:

Resolved, That William Balis be and he hereby is elected second assistant doorkeeper of the Assembly for the session of 1905.

Mr. Sherry moved to amend said resolution by striking out the name of William Balis and inserting the name of John Duffy.



Mr. Speaker put the question whether the House would agree to said motion of Mr. Sherry, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution and it was determined in the affirmative.

Mr. Speaker declared William Balis duly elected second assistant doorkeeper of the Assembly for the session of 1905.

Mr. Dowling offered for the consideration of the House a resolution, in the words following:

Resolved, That Henry C. Lammert be and he hereby is elected stenographer of the Assembly for the session of 1905.

Mr. Donovan moved to amend said resolution by striking out the name of Henry C. Lammert and inserting the name of Henry E. Clinton.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Donovan, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker declared Henry C. Lammert duly elected stenographer of the Assembly for the session of 1905.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Governor and inform him that the Assembly is organized and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Rogers and Palmer.

Mr. Burnett offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to wait upon the Senate and inform that honorable body that the Assembly is organized and ready to proceed to business.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Burnett and McKeown.

Mr. Coon offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk be requested to invite the clergymen of the City of Albany, in charge of parishes, to open the daily sessions of this Assembly with prayer.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Apgar offered for the consideration of the House a resolution, in the words following:

Resolved, That upon the approval of the Speaker the Clerk of the Assembly be and hereby is directed to arrange seats for the accommodation of the press.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Ogden offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be authorized to make the usual contracts with the postmaster of the city of Albany and the Express Companies for the transmission of papers and documents.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

Mr. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed by the Speaker to prepare ballots for the drawing of seats, to examine the same and report to the Assembly; after which the members shall retire to the rear and back of the railing in the Assembly Chamber, and as their names are drawn from the box shall come forward and make their choice and retain such seat until the close of the drawing.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Phillips and Ellis.

The Senate sent for concurrence a resolution in the words following:

Resolved (if the Assembly concur), That when the Legislature adjourn this day, it be to meet on Wednesday, January 11, 1905, at 8.30 o'clock p. m.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That the Rules of the Assembly for 1904 be adopted as the Rules of the Assembly of 1905, except that the committee on agriculture shall be increased from nine to eleven members.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Rogers, from the committee appointed to wait upon the Governor, reported that they had performed that duty.

Mr. Burnett, from the committee appointed to wait upon the Senate, reported that they had performed that duty.

Messrs. Hill and Martin, a committee on the part of the Senate, appeared and announced that the Senate was organized and ready to proceed to business.

Messrs. Allds and Cullen, a committee on the part of the Senate, appeared and announced that the Senate had elected John Raines President pro tem of the Senate.

A message from the Governor, by the hand of his secretary, was received and read and ordered printed.

(See Appendix No. 1.)

Mr. Phillips presented the following report:

Your committee, appointed on the drawing of seats would report and recommend that the seats be drawn in the following order: That members shall be divided into four classes and be drawn in the order of their class.

First. Members serving the fourth term in the Assembly shall be placed in class one and their names drawn.

Second. Members serving their third term in the Assembly shall be placed in the second class and their names drawn.

Third. Members serving their second term in the Assembly shall be placed in class three and their names drawn, and the balance, or those serving their first term, shall be placed in class four and their names drawn.

The committee further report that they have examined the ballots to draw seats and find them correct.

Mr. Speaker put the question whether the House would agree to said report and it was determined in the affirmative.

Mr. Speaker announced that according to established custom the majority and minority leaders would be permitted to select their seats.

Mr. Lewis offered for the consideration of the House a resolution, in the words following:

Resolved, That all members now serving their fifth term or longer be entitled to select their seats previous to the drawing.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

On request of Mr. Rogers, and by unanimous consent, Mr. Gates was permitted to choose a seat in the well on account of deafness.

The drawing of seats resulted as follows:

Name.	No. of seat.
Agnew .....	5
Allen, F. E.....	67
Allen, J. G.....	133
Anderson .....	74
Apgar .....	21
Bass .....	127
Becker .....	143
Bedell .....	72
Beebe .....	144
Beihilf .....	87
Bird .....	80
Bisland .....	150
Brady .....	131
Brooks .....	61
Burnett .....	41
Burns .....	77
Burzynski .....	51
Byrne .....	119
Cadin .....	17
Cahn .....	45
Callahan .....	84



Name.	No. of seat.
Carrier .....	14
Caughlan .....	79
Charles, E. E. ....	59
Charles, W. B. ....	7
Cooke .....	85
Coon .....	69
Cotton .....	71
Coutant .....	11
Cowan .....	38
Cox .....	92
Cunningham .....	12
Dale .....	115
Dodd .....	145
Donovan .....	81
Dowling .....	106
Ellis .....	26
Etzel .....	147
Evans .....	99
Everett .....	3
Fish .....	65
Fitzsimons .....	10
Foelker .....	129
Foster .....	126
Francisco .....	118
Freidel .....	146
Fuller .....	123
Gardner .....	55
Gates .....	30
Grady .....	121
Grattan .....	107
Gray .....	18
Gurnett .....	116
Hackett .....	27
Hammond .....	16
Hanford .....	64
Hapeman .....	132
Hartman .....	117
Hastings .....	86
Hooker .....	98
Hooper .....	89
Hornidge .....	22
Hubbs .....	95
Hurd .....	57
Kavanaugh .....	122
Knapp .....	33

Name.	No. of seat.
La Fetra .....	76
La Rue.....	53
Leggett .....	97
Lewis .....	42
Machacek .....	142
Maier .....	139
Malloy .....	110
Mathews, T. F.....	46
Matthews, C. R.....	135
McKeown .....	47
McManus .....	73
Mead .....	104
Merritt .....	20
Miller .....	149
Monroe .....	103
Moreland .....	93
Murphy .....	125
Newton .....	9
Nixon .....	
Nugent .....	113
Ogden .....	137
O'Neill .....	108
Palmer .....	44
Parker .....	4
Patton .....	40
Pendry .....	2
Perham .....	3
Perry .....	13
Phillips .....	15
Plank .....	68
Platt .....	37
Pratt .....	56
Prentice .....	54
Prince .....	48
Quinn .....	50
Reeve .....	66
Reilly .....	120
Rigby .....	1
Rogers .....	43
Rosenstein .....	75
Salomon .....	112
Sammon .....	124
Santee .....	102
Schoeneck .....	31
Scovill .....	105

Name.	No. of seat.
Shanahan .....	24
Sheehy .....	82
Sheldon .....	35
Sherry .....	23
Shuttleworth .....	130
Slocum .....	58
Smith, A. P.....	60
Smith, A. E.....	78
Smith, J. E.....	29
Smith, J. T.....	19
Smith, R. H.....	111
Standart .....	91
Stanley .....	28
Steele .....	63
Stevens .....	100
Sullivan .....	114
Tenjost .....	62
Thompson, G. F.....	96
Thompson, J. A.....	83
Thonet .....	36
Tompkins .....	140
Waddell .....	90
Wade .....	34
Wagner .....	148
Wadsworth .....	39
Wainwright .....	6
Wedemeyer .....	141
West .....	128
Wemple .....	136
Whitney, F. G.....	94
Whitney, G. H.....	101
Wiegand .....	49
Wilsnack .....	88
Wilson .....	134
Wolf .....	25
Wood, F. C.....	52
Wood, F. X.....	32
Yale .....	70
Young .....	138

Mr. Speaker presented the annual report of the Superintendent of Banks, which was laid upon the table and ordered printed.

(See Document.)

Also, the tenth annual report of the Board of Trustees of Webb's Academy and Home for Shipbuilders, which was laid upon the table and ordered printed.

(See Document.)

Also, the protest and notice of contest of J. Harvey Waite against Charles J. Dodd, declared by the county board of canvassers to be elected to the Assembly from the Sixth district in the county of Kings, which was referred to the committee on privileges and elections when appointed, and ordered printed.

(See Document.)

Also, the eighty-sixth annual report of the New York Institution for the Instruction of the Deaf and Dumb, which was laid upon the table and ordered printed.

(See Document.)

Also, the thirtieth annual report of the Central New York Institution for Deaf-Mutes at Rome, which was laid upon the table and ordered printed.

(See Document.)

Also, the twenty-seventh annual report of St. Joseph's Institute for the Improved Instruction of Deaf Mutes, which was laid upon the table and ordered printed.

(See Document.)

Also, the report of the Adjutant-General, which was laid upon the table and ordered printed.

(See Document.)

Mr. Speaker announced the appointment of Louis McKinstry as Speaker's clerk and C. L. Miller as Speaker's stenographer.

The Clerk announced the appointment of Louise W. Baxter as Clerk's stenographer.

At 2 o'clock p. m., on motion of Mr. Burnett, the House adjourned, pursuant to joint resolution heretofore adopted, until Wednesday, January 11, 1905, at 8.30 o'clock p. m.

WEDNESDAY, JANUARY 11, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Richard H. Nelson, Albany.

On motion of Mr. Rogers the reading of the Journal of Wednesday, January 4, 1905, was dispensed with and the same was approved.

Mr. Speaker presented the fourth annual report of the New for the office of Member of Assembly from the Thirteenth district of the County of Kings, which was referred to the committee on privileges and elections and ordered printed.

(See Document.)

Mr. Speaker presented notice of contest by Samuel J. Palmer York State Reformatory for Women at Bedford, N. Y., which was laid upon the table and ordered printed.

(See Document.)

Also the sixty-ninth annual report of the managers of the New York Institution for the Blind, which was laid upon the table and ordered printed.

(See Document.)

Also, the eightieth annual report of the Society of Juvenile Delinquents in the City of New York, which was laid upon the table and ordered printed.

(See Document.)

Also, the report of the Bronx Valley Sewer Commission, which was laid upon the table and ordered printed.

(See Document.)

By unanimous consent,

Mr. Thonet introduced a bill entitled "An act to legalize the acts of James C. Sheldon, a notary public (Int. No. 34), which was read the first time.

On motion of Mr. Thonet, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on the judiciary.

By unanimous consent,

Mr. Ellis introduced a bill entitled "An act to prohibit the construction of elevated or surface railroad or railroads on any public

park in any city of over one million inhabitants or over without the consent and approval of the mayor and common council of said city (Int. No. 35), which was read the first time and referred to the committee on railroads.

Mr. Speaker announced the following committees for the session of 1905:

#### WAYS AND MEANS.

Messrs. Rogers, of Broome; Burnett, of Ontario; Patton, of Erie; Platt, of Steuben; Plank, of St. Lawrence; Fish, of Madison; Cowan, of Delaware; Monroe, of Tompkins; Phillips, of Allegany; Wainwright, of Westchester; Agnew, of New York; Palmer, of Schoharie; Fuller, of Kings.

#### JUDICIARY.

Messrs. Fish, of Madison; Mead, of Albany; Wemple, of Schenectady; Moreland, of Chemung; Steele, of Herkimer; Perham, of New York; Cunningham, of Ulster; Schoeneck, of Onondaga; Whitney, F. G., of Oswego; Standart, of Erie; Shanahan, of Kings; Everett, of New York; Cahn, of New York.

#### GENERAL LAWS.

Messrs. Merritt, of St. Lawrence; Hooker, of Genesee; Grat-tan, of Albany; Santee, of Steuben; Callahan, of Monroe; Coutant, of Ulster; Beihlf, of New York; Smith, J. E., of Cataraugus; Foelker, of Kings; Burzynski, of Erie; Thompson, J. A., of Kings; Prince, of New York; Tompkins, of New York.

#### REVISION.

Messrs. Hammond, of Onondaga; Charles, E. E., of Wyoming; Dowling, of Kings; Perham, of New York; Whitney, F. G., of Oswego; Hastings, of Orange; Foelker, of Kings; Standart, of Erie; Carrier, of Chenango; Coutant, of Ulster; Sammon, of New York; Malloy, of New York; Byrne, of Kings.

#### CODES.

Messrs. Phillips, of Allegany; Hammond, of Onondaga; Evans, of Oneida; Wade, of Chautauqua; Charles, E. E., of Wyoming; La Rue, of Jefferson; Wood, F. C., of Fulton and Hamilton; Thompson, G. F., of Niagara; Young, of New York; Murphy, of Kings; Cooke, of Albany; Smith, R. H., of New York; Dodd, of Kings.



## TAXATION AND RETRENCHMENT.

Messrs. Wade, of Chautauqua; Scovill, of Columbia; Platt, of Steuben; Parker, of Washington; Pratt, of Oneida; O'Neill, of Kings; Matthews, C. R., of Franklin; Perham, of New York; Wadsworth, of Livingston; Becker, of Monroe; Wolf, of Kings; Sherry, of New York; Gurnett, of Schuyler.

## CANALS.

Messrs. Patton, of Erie; Coutant, of Ulster; Merritt, of St. Lawrence; Scovill, of Columbia; Moreland, of Chemung; Callahan, of Monroe; Etzel, of New York; Waddell, of Warren; Hooper, of Essex; Francisco, of Kings; Donovan, of Rensselaer; Byrne, of Kings; Nugent, of New York.

## AFFAIRS OF CITIES.

Messrs. Burnett, of Ontario; Hammond, of Onondaga; Agnew, of New York; Cox, of Erie; Grattan, of Albany; Cotton, of Kings; Dowling, of Kings; Ogden, of Monroe; Prentice, of New York; Rigby, of Westchester; McKeown, of Kings; Hornidge, of New York; La Fetra, of New York.

## RAILROADS.

Messrs. Bedell, of Orange; Smith, J. T., of Dutchess; Yale, of Putnam; Cadin, of Onondaga; Allen, F. E., of Broome; Lewis, of Oswego; Brooks, of Erie; Wemple, of Schenectady; Knapp, of Clinton; Gates, of Oneida; Dale, of Kings; McManus, of New York; Anderson, of New York.

## COMMERCE AND NAVIGATION.

Messrs. Cadin, of Onondaga; Yale, of Putnam; Thompson, G. F., of Niagara; Rigby, of Westchester; Gardner, of Rensselaer; Pendry, of Kings; Stanley, of New York; Hastings, of Orange; Miller, of Queens; Caughlan, of New York; Grady, of Kings; Hackett, of New York; Reilly, of Kings.

## INSURANCE.

Messrs. Lewis, of Oswego; Apgar, of Westchester; Sheldon, of Cattaraugus; Hanford, of Tioga; Thonet, of Kings; Gray, of Dutchess; Hastings, of Orange; Friedel, of New York; Shuttleworth, of Erie; Wilsnack, of Queens; Ellis, of New York; Mathews, T. F., of Kings; Salomon, of New York.

## BANKS.

Messrs. Smith, J. T., of Dutchess; Cowan, of Delaware; Santee, of Steuben; Mead, of Albany; Smith, A. P., of Wayne; Whitney, G. H., of Saratoga; Charles, W. B., of Montgomery; Slocum, of Lewis; Hapeman, of Cayuga; Hartman, of New York; Smith, A. E., of New York; Fitzsimons, of New York; Wiegand, of New York.

## ELECTRICITY, GAS AND WATER SUPPLY.

Messrs. Apgar, of Westchester; Hanford, of Tioga; Leggett, of Niagara; Coon, of Albany; Dowling, of Kings; Hubbs, of Suffolk; Perry, of Kings; Hurd, of Rockland; Tenjost, of Erie; Maier, of Seneca; McKeown, of Kings; Burns, of New York; Quinn, of Erie.

## INTERNAL AFFAIRS.

Messrs. Hooker, of Genesee; Plank, of St. Lawrence; Parker, of Washington; Hubbs, of Suffolk; Smith, A. P., of Wayne; Hapeman, of Cayuga; West, of Yates; Wood, F. X., of Onondaga; Wilson, of Orleans; Newton, of Cortland; Beebe, of Monroe; Cooke, of Albany; Donovan, of Rensselaer.

## LABOR AND INDUSTRIES.

Messrs. Yale, of Putnam; Smith, J. T., of Dutchess; Sheldon, of Cattaraugus; Phillips, of Allegany; Allen, F. E., of Broome; Brooks, of Erie; Gray, of Dutchess; Evans, of Oneida; Whitney, G. H., of Saratoga; Brady, of Greene; Sullivan, of Queens; Sheehy, of New York; Thompson, J. A., of Kings.

## EXCISE.

Messrs. Plank, of St. Lawrence; Smith, A. P., of Wayne; Whitney, F. G., of Oswego; Hapeman, of Cayuga; Freidel, of New York; Francisco, of Kings; Bisland, of Sullivan; Carrier, of Chenango; Foster, of Jefferson; Bass, of Otsego; Quinn, of Erie; Wagner, of New York; Bird, of New York.

## AFFAIRS OF VILLAGES.

Messrs. Steele, of Herkimer; Reeve, of Suffolk; Scovill, of Columbia; Wood, F. X., of Onondaga; Wadsworth, of Livingston; Carrier, of Chenango; Newton, of Cortland; Becker, of Monroe; Foster, of Jefferson; Brady, of Greene; Sullivan, of Queens; Gurnett, of Schuyler; Wedemeyer, of Richmond.



## FISHERIES AND GAME.

Messrs. Reeve, of Suffolk; Wood, F. C., of Fulton and Hamilton; Knapp, of Clinton; Stevens, of Rensselaer; Matthews, C. R., of Franklin; Hooper, of Essex; Foster, of Jefferson; Bass, of Otsego; Waddell, of Warren; Bisland, of Sullivan; Caughlan, of New York; Rosenstein, of New York; Machacek, of New York.

## PUBLIC PRINTING.

Messrs. Evans, of Oneida; Coon, of Albany; O'Neill, of Kings; Perry, of Kings; Cunningham, of Ulster; Tenjost, of Erie; Brady, of Greene; Allen, J. G., of Cayuga; McManus, of New York; Burzynski, of Erie; Tompkins, of New York.

## PUBLIC HEALTH.

Messrs. Sheldon, of Cattaraugus; Whitney, G. H., of Saratoga; Apgar, of Westchester; Perry, of Kings; Stevens, of Rensselaer; Prentice, of New York; Hurd, of Rockland; West, of Yates; Rosenstein, of New York; Wolf, of Kings; Gurnett, of Schuyler.

## PUBLIC EDUCATION.

Messrs. Wainwright, of Westchester; Charles, W. B., of Montgomery; Gardner, of Rensselaer; La Rue, of Jefferson; Ogden, of Monroe; Cotton, of Kings; Hartman, of New York; Smith, J. E., of Cattaraugus; Allen, J. G., of Cayuga; Ellis, of New York; Reilly, of Kings; Bird, of New York; Hackett, of New York.

## PUBLIC LANDS AND FORESTRY.

Messrs. Hanford, of Tioga; Stanley, of New York; Platt, of Steuben; Wood, F. C., of Fulton and Hamilton; Pratt, of Oneida; Rigby, of Westchester; Slocum, of Lewis; Becker, of Monroe; Ellis, of New York; Mathews, T. F., of Kings; Salomon, of New York.

## PUBLIC INSTITUTIONS.

Messrs. Santee, of Steuben; Ogden, of Monroe; Cadin, of Onondaga; Schoeneck, of Onondaga; Thonet, of Kings; Shuttleworth, of Erie; Hooper, of Essex; Wilsnack, of Queens; Burns, of New York; Smith, R. H., of New York; Grady, of Kings.

## MILITARY AFFAIRS.

Messrs. Cotton, of Kings; Stevens, of Rensselaer; Wainwright, of Westchester; Etzel, of New York; Callahan, of Monroe; Thompson, G. F., of Niagara; Tenjost, of Erie; Wilsnack, of Queens; Fuller, of Kings; Burzynski, of Erie; Malloy, of New York.

## SOLDIERS' HOME.

Messrs. Platt, of Steuben; Steele, of Herkimer; Gardner, of Rensselaer; Wilson, of Orleans; Freidel, of New York; Miller, of Queens; Maier, of Seneca; Hornidge, of New York; Cahn, of New York; Wedemeyer, of Richmond; Machacek, of New York.

## CLAIMS.

Messrs. Cox, of Erie; Charles, E. E., of Wyoming; La Rue, of Jefferson; Murphy, of Kings; Beihlf, of New York; Young, of New York; Francisco, of Kings; Prince, of New York; Fitzsimons, of New York; Smith, A. E., of New York; Kavanaugh, of Kings.

## FEDERAL RELATIONS.

Messrs. Cowan, of Delaware; Pendry, of Kings; Newton, of Cortland; Gray, of Dutchess; Murphy, of Kings; Young, of New York; Beihlf, of New York; Wolf, of Kings; La Fetra, of New York; Rosenstein, of New York.

## CHARITABLE AND RELIGIOUS SOCIETIES.

Messrs. Mead, of Albany; Patton, of Erie; Hooker, of Genesee; Schoeneck, of Onondaga; Pendry, of Kings; Miller, of Queens; Maier, of Seneca; Shanahan, of Kings; Sammon, of New York; Wagner, of New York; Wiegand, of New York.

## STATE PRISONS.

Messrs. Moreland, of Chemung; Knapp, of Clinton; Cunningham, of Ulster; Charles, W. B., of Montgomery; Allen, J. G., of Cayuga; Foelker, of Kings; Dodd, of Kings; Sherry, of New York; Nugent, of New York.

## PRIVILEGES AND ELECTIONS.

Messrs. Leggett, of Niagara; Grattan, of Albany; Thonet, of Kings; Gates, of Oneida; Smith, J. E., of Cattaraugus; Shuttleworth, of Erie; Dale, of Kings; Everett, of New York; Kavanaugh, of Kings.

## TRADES AND MANUFACTURES.

Messrs. Allen, F. E., of Broome; O'Neill, of Kings; Waddell, of Warren; Stanley, of New York; Standart, of Erie; Bisland, of Sullivan; Caughlan, of New York; Machacek, of New York; Malloy, of New York.

## AGRICULTURE.

Messrs. Coon, of Albany; Merritt, of St. Lawrence; Pratt, of Oneida; Slocum, of Lewis; Parker, of Washington; Beebe, of Monroe; Bass, of Otsego; Wilson, of Orleans; Sullivan, of Queens; Burnett, of Schuyler; Wedemeyer, of Richmond.

## INDIAN AFFAIRS.

Messrs. Matthews, C. R., of Franklin; Reeve, of Suffolk; Gates, of Oneida; Hurd, of Rockland; Wood, F. X., of Onondaga; Beebe, of Monroe; Etzel, of New York; Hackett, of New York; Bird, of New York; Anderson, of New York.

## RULES.

Messrs. Speaker, of Chautauqua; Rogers, of Broome; Bedell, of Orange; Monroe, of Tompkins; Palmer, of Schoharie; McKeown, of Kings.

## PRINTED AND ENGROSSED BILLS.

Messrs. Brooks, of Erie; Hartman, of New York; Wadsworth, of Livingston; Shanahan, of Kings; Hornidge, of New York.

## UNFINISHED BUSINESS.

Messrs. Wemple, of Schenectady; Leggett, of Niagara; West, of Yates; Wiegand, of New York; Fitzsimons, of New York.

Mr. Speaker announced appointments for the session of 1905.  
(See Appendix, No. 2.)

The Clerk announced appointments for the session of 1905.  
(See Appendix, No. 3.)

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That unless otherwise specially ordered, the hours of daily meeting of the Assembly be as follows: Mondays at 8:30 p. m.; Tuesdays, Wednesdays and Thursdays, at 11 a. m.; and Fridays at 10 a. m.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That the Rules of the House be amended by increasing the number of members of the committee on claims from nine to eleven, and also by increasing the number of members of the committee on charitable and religious societies from nine to eleven.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The privileges of the floor were extended to Hon. Samuel Prince, a former member.

On motion of Mr. Rogers, the House adjourned.

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#### THURSDAY, JANUARY 12, 1905.

The house met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Gates introduced a bill entitled "An act to amend an act entitled 'An act to provide for the acquiring of a site and the erection and furnishing of a new courthouse in the city of Utica for the use of the county of Oneida, and to provide means to defray the expenses thereof and to sell the present courthouse and site and the county clerk's office and site situate in Utica'" (Int. No. 1), which was read the first time and referred to the committee on internal affairs.

Mr. Grattan introduced a bill entitled "An act to amend chapter 975 of the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town" (Int. No. 2), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend chapter 671 of the Laws of 1892, entitled "An act to revise, consolidate and amend the



several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (Int. No. 3), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to salary of clerk of said city" (Int. No. 4), which was read the first time and referred to the committee on affairs of cities.

Mr. Bedell introduced a bill entitled "An act to legalize bonds of the village of Goshen, Orange county, New York, to be issued for the purpose of enlarging, increasing, extending, improving, maintaining and purifying the water supply of said village and in purchasing and laying new and improved water mains and to legalize all proceedings in relation thereto including the resolution submitted by the board of trustees of said village to its qualified electors at the annual election held in said village on the 18th day of March, 1902, and to provide for the payment of said bonds" (Int. No. 5), which was read the first time and referred to the committee on affairs of villages.

Mr. Ellis introduced a bill entitled "An act to amend the Greater New York charter relative to special revenue bonds" (Int. No. 6), which was read the first time and referred to the committee on affairs of cities.

Mr. Foelker introduced a bill entitled "An act to repeal chapter 117 of the Laws of 1901, entitled 'An act to amend the tax law, in relation to the taxation of savings banks'" (Int. No. 7), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Francisco introduced a bill entitled "An act authorizing the comptroller of the city of New York to inquire into the alleged claim of George R. Dubois, a janitor in the justices court of the former city of Brooklyn, first district, for services rendered as such from March 1, 1897 to December 31, 1897, both dates inclusive, and for services rendered as janitor of the municipal court of the city of New York, borough of Brooklyn, first district, from

January 1, 1898, to August 12, 1903, both dates inclusive, and authorizing payment of the same" (Int. No. 8), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act in relation to the regulation, management and operation of surface, elevated and underground railroads in cities of the first class" (Int. No. 9), which was read the first time and referred to the committee on railroads.

Mr. Gates introduced a bill entitled "An act to provide for the attachment of the Williams folding stairs to the Genesee street bridge over the Erie canal in the city of Utica, and making an appropriation therefor" (Int. No. 10), which was read the first time and referred to the committee on ways and means.

Also a bill entitled "An act making an appropriation to pay the State's share of the cost of paving Liberty street in the city of Utica" (Int. No. 11), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to provide for the construction of a lift or hoist bridge over the Erie canal, on Seneca street, in the city of Utica, and making an appropriation therefor, and authorizing the city of Utica to raise money for the construction thereof" (Int. No. 12), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law" (Int. No. 13), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to reimburse the city of Utica for moneys expended in erecting safety gates at the Schuyler street and Washington street bridges over the Erie canal" (Int. No. 14), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act relating to the width of tires to be used on certain vehicles after January 1, 1906" (Int. No. 15), which was read the first time and referred to the committee on internal affairs.

Also, "An act to amend the Forest, Fish and Game Law, in relation to the sale of trout" (Int. No. 16), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim

of Edwin H. Risley and Henry M. Love, comprising the firm of Risley and Love, against the State of New York" (Int. No. 17), which was read the first time and referred to the committee on claims.

Mr. La Fetra introduced a bill entitled "An act to amend the Greater New York charter, relative to the fund for street and park openings" (Int. No. 18), which was read the first time and referred to the committee on affairs of cities.

Mr. O'Neill introduced a bill entitled "An act to amend the Banking Law, in relation to the reports of trust companies" (Int. No. 19), which was read the first time and referred to the committee on banks.

Mr. Pendry introduced a bill entitled "An act to amend the Railroad Law in relation to the protection of certain employees of street railroads" (Int. No. 20), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act in relation to Greene avenue and Madison street in the borough of Brooklyn, city of New York" (Int. No. 21), which was read the first time and referred to the committee on railroads.

Mr. Perham introduced a bill entitled "An act to amend chapter 336 of the Laws of 1903, entitled 'An act to provide for the erection of a courthouse in the county of New York and authorizing the acquisition of a site therefor'" (Int. No. 22), which was read the first time and referred to the committee on affairs of cities.

Mr. Steele introduced a bill entitled "An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district" (Int. No. 23), which was read the first time and referred to the committee on public education.

Also, a bill entitled "An act to legalize, ratify and confirm an issue of bonds of the village of Ilion, in the county of Herkimer, in the amount of \$25,000 issued for the purpose of providing funds to enlarge, repair, improve and extend the electric light plant of said village; and to legalize the special election held on Septem-



ber 13, 1904, and all proceedings connected therewith, under which said bonds are issued" (Int. No. 24), which was read the first time and referred to the committee on affairs of villages.

Mr. Tompkins introduced a bill entitled "An act to amend the Greater New York charter so as to enable the city of New York to construct, own, operate and maintain a municipal lighting plant or plants" (Int. No. 25), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to provide for an additional supply of pure and wholesome water for the city of New York; and for the acquisition of lands or interest therein, and for the construction of the necessary reservoirs, dams, aqueducts, filters, and other appurtenances for that purpose; and for the appointment of a commission with the powers and duties necessary and proper to attain these objects" (Int. No. 26), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Wade introduced a bill entitled "An act to amend chapter 17 of the Laws of 1903, entitled 'An act to authorize the city of Jamestown to acquire and maintain a water supply system,' in relation to the compensation which may be paid to the treasurer of the city of Jamestown for his services in receiving water rents" (Int. No. 27), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to tax persons, partnerships, companies, joint stock associations and corporations taking water from Niagara river for purpose of power, other than steam power, and providing means for the collection thereof" (Int. No. 28), which was read the first time and referred to the committee on taxation and retrenchment.

Also, a bill entitled "An act to amend section 1 of chapter 215 of the Laws of 1883 as amended by section 1 of chapter 554 of the Laws of 1888, entitled 'An act fixing the salaries of the stenographers of the Supreme Court in the eighth judicial district'" (Int. No. 29), which was read the first time and referred to the committee on the judiciary.

Mr. West introduced a bill entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a

system of town roads" (Int. No. 30), which was read the first time and referred to the committee on internal affairs.

Mr. Hooker introduced a bill entitled "An act to legalize the official acts of the Bergen fire department, incorporated, of the village of Bergen, Genesee county" (Int. No. 31), which was read the first time and referred to the committee on affairs of villages.

Mr. G. T. Thompson introduced a bill entitled "An act to amend the County Law, relative to the compensation of supervisors in Niagara county" (Int. No. 32), which was read the first time and referred to the committee on internal affairs.

Mr. Platt introduced a bill entitled "An act amending section 41 of chapter 227 of the Laws of 1893, authorizing the trustees of the New York State soldiers' and sailors' home at Bath, to organize and maintain a band and to pay for the same out of the maintenance funds of the home" (Int. No. 33), which was read the first time and referred to the committee on military affairs.

Mr. Beihlf introduced a bill entitled "An act to require the construction of an elevated railroad station at the corner of One Hundred and Thirtieth street and Eighth avenue, in the city of New York" (Int. No. 36), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to repeal chapter 117 of the Laws of 1901, entitled 'An act to amend the Tax Law, in relation to the taxation of savings banks' and to amend section 194 of the Tax Law to harmonize with said repeal" (Int. No. 37), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. W. B. Charles introduced a bill entitled "An act to amend chapter 101 of the Laws of 1881, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter 181 of the Laws of 1875'" (Int. No. 38), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Dale introduced a bill entitled "An act to amend the Greater New York charter, in relation to the street cleaning department" (Int. No. 39), which was read the first time and referred to the committee on affairs of cities.

Mr. Dowling introduced a bill entitled "An act to repeal chapter 439 of the Laws of 1876, entitled 'An act relating to the ex-

penses of judicial sales in the county of Kings,' as amended by chapter 167 of the Laws of 1889" (Int. No. 40), which was read the first time and referred to the committee on the judiciary.

Mr. Evans introduced a bill entitled "An act making an appropriation to the Central New York Institution for Deaf Mutes, at Rome, to enable it to extinguish its debt incurred for the support and education of its deaf and dumb pupils and for the paving of the street fronting its property" (Int. No. 41), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to amend section 110 of chapter 560 of the Laws of 1904, entitled 'An act to revise the charter of the city of Rome'" (Int. No. 42), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act authorizing the city of Rome to issue bonds for the purpose of paying for extending and constructing street improvement" (Int. No. 43), which was read the first time and referred to the committee on affairs of cities.

Mr. Everett introduced a bill entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which Thomas F. Morris, formerly a patrolman in the police department of said city, was dismissed from said department and to reinstate him in his former position" (Int. No. 44), which was read the first time and referred to the committee on affairs of cities.

Mr. Freidel introduced a bill entitled "An act to amend the Penal Code by inserting therein an additional section, to be known as section 41-gg, relative to the identification of official ballots" (Int. No. 45), which was read the first time and referred to the committee on codes.

Mr. Fuller introduced a bill entitled "An act to amend the Greater New York charter as reenacted by chapter 466 of the Laws of 1901 relative to the creation of the board of railroad commissioners of the city of New York" (Int. No. 46), which was read the first time and referred to the committee on affairs of cities.

Mr. Gates introduced a bill entitled "An act to amend the Tax Law in relation to taxes upon the business of issuing and selling trading stamps and similar devices" (Int. No. 47), which was

read the first time and referred to the committee on taxation and retrenchment.

Mr. T. F. Mathews introduced a bill entitled "An act to amend the Banking Law, in relation to the reports of trust companies" (Int. No. 48), which was read the first time and referred to the committee on banks.

Mr. Mead introduced a bill entitled "An act conferring jurisdiction upon the Court of Claims to hear and determine the claim of the Stockbridge tribe of Indians against the State of New York" (Int. No. 49), which was read the first time and referred to the committee on claims.

Mr. Monroe introduced a bill entitled "An act to amend the Code of Civil Procedure in relation to exemptions and executions" (Int. No. 50), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend the Penal Code relative to the sale of prepared meats, salads and cheese on Sundays" (Int. No. 51), which was read the first time and referred to the committee on codes.

Mr. Patton introduced a bill entitled "An act conferring upon the Court of Claims jurisdiction to examine, audit and adjust the alleged claim of William Dunn, against the State of New York" (Int. No. 52), which was read the first time and referred to the committee on claims.

Also, a bill entitled "An act making an appropriation for drainage in the northern part of the town of Amherst, and in the town of Clarence, in the county of Erie, by deeping the channels of the creeks and ditches that flow into the Tonawanda and Ellicott creeks in said town of Amherst" (Int. No. 53), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act for the relief of persons, firms and corporations who rendered services and furnished labor or material which was used in constructing the State armory in the late village now city of Tonawanda, Erie county, New York" (Int. No. 54), which was read the first time and referred to the committee on claims.

Mr. Pendry introduced a bill entitled "An act to amend section 58 of the Code of Civil Procedure" (Int. No. 55), which was read the first time and referred to the committee on codes.



Mr. Perham introduced a bill entitled "An act to amend chapter 108 of the Laws of 1904, with reference to the Metropolitan Museum of Art" (Int. No. 56), which was read the first time and referred to the committee on affairs of cities.

Mr. Pratt introduced a bill entitled "An act to validate and confirm the reincorporation of certain villages under the Village Law" (Int. No. 57), which was read the first time and referred to the committee on affairs of villages.

Mr. Prentice introduced a bill entitled "An act to release to the devisees and persons interested under the will of Charles Booth, deceased, all the right, title and interest which the people of the State of New York acquired upon the death of the said Charles Booth by reason of his alienage, in and to all lands in the city of New York whereof said Charles Booth died seized" (Int. No. 58), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Navigation Law in relation to life preservers" (Int. No. 59), which was read the first time and referred to the committee on commerce and navigation.

Mr. Rogers introduced a bill entitled "An act to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the Legislature of 1904, proposing amendments to the constitution of this State, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract" (Int. No. 60), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act providing for the payment of the balance due newspapers for the publication of the general laws of the State for the year 1904" (Int. No. 61), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act making an appropriation for the payment of the principal and interest of public defence bonds issued pursuant to chapter 672 of the Laws of 1898, and chapter 493 of the Laws of 1899" (Int. No. 62), which was read the first time and referred to the committee on ways and means.

Mr. Rosenstein introduced a bill entitled "An act to prevent the placing of fences on roofs for the display of advertisements

other than for the business of lessee of building on which the fence is built, the same to be no higher than four feet. Also fences on ground in front of vacant lots, the same to be no higher than seven feet from ground to top of fence in any portion of the city of New York known as the Borough of Manhattan, Bronx and Brooklyn, and to have all fences now on roofs and on ground in violation of this act removed before August, 1904" (Int. No. 63), which was read the first time and referred to the committee on general laws.

Mr. R. H. Smith introduced a bill entitled "An act in relation to the widening and improvement of One Hundred and Thirty-fifth street west of Saint Nicholas avenue, in the city of New York" (Int. No. 64), which was read the first time and referred to the committee on affairs of cities.

Mr. Stanley introduced a bill entitled "An act authorizing the board of estimate and apportionment of the city of New York to take proof of and pay the claim of Alfred C. Brainard, as surviving partner of E. D. Brainard and Sons, for two certain geyser fountains furnished to the city of New York" (Int. No. 65), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act authorizing the police commissioner of the city of New York to appoint John W. Pinkley, an ex-policeman of the city of New York, who resigned from said police department, November 24, 1897" (Int. No. 66), which was read the first time and referred to the committee on affairs of cities.

Mr. Thonet introduced a bill entitled "An act to amend chapter 704 of the Laws of 1901, entitled, 'An act to make the office of the clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of copyists or recording clerks of current records" (Int. No. 67), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to enable the commissioner of water supply, gas and electricity of the city of New York, to rehear and determine the charges against Daniel J. Harte, jr., formerly an inspector of water meters in the department of water supply, gas and electricity in the city of New York" (Int. No. 68),

which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Railroad Law, in relation to the protection of street railroad employees in the counties of Kings and Queens" (Int. No. 69), which was read the first time and referred to the committee on railroads.

Mr. Wemple introduced a bill entitled "An act to change the name of 'the East avenue Presbyterian Church of the city of Schenectady' to 'the State Street Presbyterian Church of the city of Schenectady'" (Int. No. 70), which was read the first time and referred to the committee on charitable and religious societies.

Mr. Wilsnack introduced a bill entitled "An act to regulate the price of illuminating gas in the borough of Queens, city of New York" (Int. No. 71), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Young introduced a bill entitled "An act authorizing the board of estimate and apportionment of the city of New York to audit and allow and also authorize the comptroller of the city of New York to pay to Valentine M. Collins compensation for services actually rendered to the city of New York in the department of education in the years 1899 and 1900" (Int. No. 72), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to release to Franklin Grady the right, title and interest of the people of the State of New York in and to certain real estate situated in the city of New York, borough of the Bronx, State of New York, and in the proceeds of said real estate" (Int. No. 73), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Greater New York charter, relative to certain officers of the municipal court of the city of New York" (Int. No. 74), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act authorizing the board of estimate and apportionment of the city of New York to allow, and authorizing and directing the comptroller of the said city to pay certain claims incurred for the maintenance of the municipal court of the city of New York, Twelfth district, Manhattan borough, dur-



ing the year 1903" (Int. No. 75), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to authorize the board of estimate and apportionment of the city of New York to audit and allow a sheriff of the county of New York such legal expenses as he may be put to, not exceeding \$5,000 per annum, for three years after the expiration of his term of office" (Int. No. 76), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act for the relief of Manheim Brown" (Int. No. 77), which was read the first time and referred to the committee on affairs of cities.

Mr. Newton introduced a bill entitled "An act authorizing villages and cities to insure normal schools" (Int. No. 78), which was read the first time and referred to the committee on public education.

By unanimous consent,

Mr. F. C. Wood introduced a bill entitled "An act to amend chapter 568 of the Laws of 1895, entitled 'An act to incorporate the city of Johnstown,' in relation to the appointment, compensation, powers and duties of the superintendent of streets and the superintendent of water works" (Int. No. 79), which was read the first time.

On motion of Mr. Wood and by unanimous consent said bill was read the second time and ordered to a third reading and referred to the committee on affairs of cities.

Mr. Speaker presented a copy of the presentment of the December, 1904, grand jury of the county of New York and a transcript of the testimony taken before said grand jury, which were referred to the committee on the judiciary.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That when the Legislature adjourns to-day it will be to meet Monday evening, January 16, at 8.30 o'clock.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be directed to have all notices of Assembly committee meetings duly posted on bulletin boards, and to have some person in charge of the same to give all necessary information with regard thereto as is desired by members and others, and at an expense not exceeding \$300 for the entire session, payable out of the contingent fund of this House on the certificate of said Clerk.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

AYES 125

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hastings	O'Neill	Smith A P
Allen F E	Cox	Hooker	Palmer	Smith A E
Allen J G	Cunningham	Hooper	Parker	Smith J E
Anderson	Dale	Hornidge	Patton	Smith J T
Apgar	Dodd	Hubbs	Perham	Standart
Bass	Donovan	Hurd	Phillips	Steele
Becker	Dowling	Kavanaugh	Plank	Sullivan
Bedell	Etzel	Knapp	Pratt	Tenjost
Beihlf	Evans	La Fetra	Prentice	Thonet
Bird	Everett	Leggett	Prince	Tompkins.
Bisland	Fish	Lewis	Quinn	Waddell
Brady	Foelker	Machacek	Reeve	Wade
Brooks	Foster	Malloy	Reilly	Wagner
Burnett	Francisco	Mathews T F	Rogers	Wadsworth
Burzynski	Freidel	Matthews C R	Rosenstein	Wedemeyer
Byrne	Gardner	McKeown	Salomon	West
Cadin	Gates	McManus	Sammon	Whitney F G
Cahn	Grady	Mead	Mead	Whitney G H
Callahon	Gray	Merritt	Schoeneck	Wilsnack
Carrier	Gurnett	Miller	Shanahan	Wilson
Caughlan	Hackett	Monroe	Sheehy	Wolf
Charles E E	Hammond	Moreland	Sheldon	Wood F C
Cooke	Hanford	Murphy	Sherry	Wood F X
Coon	Hapeman	Newton	Shuttleworth	Yale
Cotton	Hartman	Ogden	Slocuin	Young

Mr. Fish offered for the consideration of the House, a resolution in the words following:

Resolved, That the Clerk of the Assembly be, and hereby is, authorized and directed to purchase such copies of the latest edition of the codes and statutes that may be required for the use of the committee on the judiciary, at an expense not to exceed \$100 to be paid for out of the contingent fund of the House on the certificate of said Clerk.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	La Fetra	Platt	Smith R H
Allen F E	Dowling	Leggett	Prentice	Standart
Allen J G	Ellis	Lewis	Prince	Steele
Anderson	Evans	Maier	Quinn	Stevens
Apgar	Everett	Mathews T F	Reeve	Tenjest
Bass	Fitzsimons	McKeown	Reilly	Thompson G F
Beebe	Foster	McManus	Rigby	Thompson J A
Beihliff	Freidel	Mead	Rogers	Tompkins
Bisland	Fuller	Miller	Salomen	Wade
Brady	Grady	Monroe	Sammon	Wadsworth
Burnett	Grattan	Moreland	Santee	Wainwright
Burns	Gurnett	Newton	Schoeneck	Wedemeyer
Cadin	Hackett	Nugent	Seovill	Wemple
Callahan	Hanford	O'Neill	Sheehy	Whitney G H
Caughlan	Hapeman	Palmer	Sheldon	Wilsnack
Charles W B	Hastings	Parker	Shuttleworth	Wilson
Cooke	Hooker	Patton	Slocum	Wolf
Coutant	Hornidge	Perham	Smith A P	Wood F C
Cowan	Hubbs	Perry	Smith A E	Wood F X
Cox	Knapp	Phillips	Smith J E	Young
Dale				

Mr. Hartman offered for the consideration of the House, a resolution, in the words following:

Whereas, there is general and widespread complaint in the City of New York of the prices maintained by the gas and electric lighting companies operating therein, and of the quality of the service; and

Whereas, the Board of Estimate and Apportionment in December, 1902, adopted a report declaring the prices of said companies for public lighting to be unreasonable and excessive, and that the interests of the companies had been so combined as to eliminate competition, and rejected their bids for public lighting; and

Whereas, the same prices for electric lighting in all the boroughs and for gas lighting in all the boroughs, except Manhattan and the Bronx, having been again bid for 1904, and the Commission of Water Supply, Gas and Electricity having, notwithstanding a report of the Engineer of Surface Construction that said bids were exorbitant and should be rejected, entered into contracts with said companies for services between March, 1904, and March, 1905, at the prices named in said bids; and

Whereas, an excessive price for lighting service in said city involves a great waste of public funds, and imposes a wrongful burden upon the taxpayers and inhabitants of the city,

Resolved (if the Senate concur), that a joint committee be appointed, consisting of three members of the Senate and four members of the Assembly, which committee shall, as speedily as may be, proceed to investigate and examine into the reasonableness of the charges maintained by the gas and electric lighting companies operating in the City of New York for services rendered the city and its inhabitants, with reference to the cost of the service and the capital actually employed therein; the conditions under which the business of the companies is conducted, with reference to competition; the quality of the service; the circumstances connected with the negotiation and execution of the city lighting contracts of 1904; and any other phase of the gas and electric lighting business as conducted in the City of New York deemed by the committee to be germane to the purpose of such investigation.

Further resolved, That the said committee be, and it hereby is, authorized and empowered to require and enforce the attendance of witnesses, and the production of books and papers, to administer oaths, and to employ counsel, stenographers, clerks and such other employees as may be necessary for the purposes of the investigation. And a sum not exceeding twenty-five thousand dollars is hereby appropriated out of any moneys in the treasury, not otherwise appropriated, for the purposes of said committee.

Which was read and referred to the committee on ways and means.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That on Wednesday, January 18, at 12 o'clock noon, the Senate and Assembly will meet in joint assembly in the Assembly Chamber to compare nominations for the office of Senator in Congress in the place of Hon. Chauncey M. Depew, whose term of office will expire on the 4th day of March next.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution providing for adjournment until Monday, January 16, with a message that they have concurred in the passage of the same.

Messrs. Etzel and Wilson were excused indefinitely.

On motion of Mr. Rogers, the House adjourned, pursuant to concurrent resolution heretofore adopted, until Monday evening, January 16, at 8.30 o'clock.

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MONDAY, JANUARY 16, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Hugh T. Stevenson, Jordanville.

On motion of Mr. Rogers, the reading of the journal of Thursday, January 12, 1905, was dispensed with and the same was approved.

Mr. Speaker presented the annual report of the Superintendent of the Onondaga Salt Springs, which was laid upon the table and ordered printed.

(See Document.)

Also, the twelfth annual report of the Commissioner of Agriculture, which was laid upon the table and ordered printed.

(See Document.)

Mr. Agnew introduced a bill entitled "An act to release to Courtney C. Douglas the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York" (Int. No. 80), which was read the first time and referred to the committee on the judiciary.

Mr. Burns introduced a bill entitled "An act to amend the Greater New York charter relative to the department of street cleaning" (Int. No. 81), which was read the first time and referred to the committee on affairs of cities.

Mr. Dodd introduced a bill entitled "An act to amend the Greater New York charter so as to confer power upon the board of estimate and apportionment to acquire lands in certain parts of the city of New York for playgrounds and to provide for the



improvement thereof" (Int. No. 82), which was read the first time and referred to the committee on affairs of cities.

Mr. Foelker introduced a bill entitled "An act making an appropriation for altering and enlarging the State armory heretofore erected for the use of the Forty-seventh Regiment, National Guard of the State of New York" (Int. No. 83), which was read the first time and referred to the committee on ways and means.

Mr. Hartman introduced a bill entitled "An act to amend the Greater New York charter so as to enable the city of New York to construct, own, operate and maintain a plant, or plants, for generating, distributing and selling electricity for light, heat and power in the public buildings, offices, streets, parks, and other public places in the city of New York, and for the use of the inhabitants thereof" (Int. No. 84), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter so as to enable the city of New York to construct, own, operate and maintain a plant, or plants, for manufacturing, distributing and selling gas for light, heat and power in the public buildings, offices, streets, parks and other public places in the city of New York, and for the use of the inhabitants thereof" (Int. No. 85), which was read the first time and referred to the committee on affairs of cities.

Mr. Hooker introduced a bill entitled "An act to amend the Tax Law relating to the taxation of all mortgages of real estate" (Int. No. 86), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. La Fetra introduced a bill entitled "An act authorizing and directing the board of estimate and apportionment of the city of New York, in its discretion to audit and allow, and also authorizing and directing the comptroller of the city of New York to pay to James C. Daly compensation for services rendered to the city of New York as superintendent of sections in the department of docks and ferries of said city" (Int. No. 87), which was read the first time and referred to the committee on affairs of cities.

Mr. T. F. Mathews introduced a bill entitled "An act to amend the Banking Law in relation to the lawful money reserve of trust companies" (Int. No. 88), which was read the first time and referred to the committee on banks.



Mr. Newton introduced a bill entitled "An act to amend section 2729 of the Code of Civil Procedure relative to the payment by executors and administrators of funeral expenses of, and charges for nursing, medical and surgical treatment and medicines rendered and furnished a decedent" (Int. No. 89), which was read the first time and referred to the committee on codes.

Mr. Prentice introduced a concurrent resolution entitled "Concurrent resolution of the Senate and Assembly, proposing an amendment to article 2 of the Constitution in relation to the conduct of elections" (Int. No. 90), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to provide for the payment of fines, penalties or forfeitures imposed or collected for taking part in the game of policy" (Int. No. 91), which was read the first time and referred to the committee on general laws.

Mr. Pratt introduced a bill entitled "An act to amend the Stock Corporations Law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock" (Int. No. 92), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to provide for the construction of an aqueduct with steel or timber trunk for the passage of the waters of the Oneida creek under the Erie canal at Durhamville on the line between the counties of Madison and Oneida, and making an appropriation therefor" (Int. No. 93), which was read the first time and referred to the committee on ways and means.

Mr. Stanley introduced a bill entitled "An act to authorize the board of estimate and apportionment in the city of New York to audit, adjust, and pay Rudolph Confield and Alice Smith for services rendered as probation officers" (Int. No. 94), which was read the first time and referred to the committee on affairs of cities.

Mr. Wainwright introduced a bill entitled "An act in relation to the use of the flag of the United States of America" (Int. No. 95), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to amend section 640 of the Penal Code relative to the desecration, mutilation or improper use of the flag of the United States or of this State" (Int. No. 96), which was read the first time and referred to the committee on codes.

Mr. Wedemeyer introduced a bill entitled "An act for the preservation of the building known as the Billop House, in the county of Richmond, and to authorize the acquisition of title thereto and to lands adjacent to the same for historical purposes" (Int. No. 97), which was read the first time and referred to the committee on ways and means.

Mr. Wilsnack introduced a bill entitled "An act to provide for the enrollment of the electors in the Third, Fourth and Fifth Election districts of the Second Assembly district of the borough of Queens" (Int. No. 98), which was read the first time and referred to the committee on the judiciary.

Mr. Hooker introduced a bill entitled "An act to amend the Tax Law in relation to the franchise tax on corporations" (Int. No. 99), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Cotton introduced a bill entitled "An act to amend the Tax Law in relation to the exemption of the property of certain pharmaceutical societies situated in cities of the first class" (Int. No. 100), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Freidel introduced a bill entitled "An act to amend the Election Law relative to personal registration" (Int. No. 101), which was read the first time and referred to the committee on the judiciary.

Mr. Gates introduced a bill entitled "An act to amend sections 2 and four of article 1 of chapter 20 of the Laws of 1900, known as 'An act for the protection of the forests, fish and game of the State, constituting chapter 31 of the general laws shortening the open season for deer'" (Int. No. 102), which was read the first time and referred to the committee on fisheries and game.

Mr. Merritt introduced a bill entitled "An act to provide for the adoption of uniform text-books for use in the public schools of St. Lawrence county" (Int. No. 103), which was read the first time and referred to the committee on public education.

Mr. Nugent introduced a bill entitled "An act to prohibit the assignment of wages to become due in the future" (Int. No. 104), which was read the first time and referred to the committee on general laws.

Mr. Wemple introduced a bill entitled "An act to amend chapter 865 of the Laws of 1871, entitled 'An act to incorporate the

Young Men's Christian Association of the city of Schenectady,' in relation to the membership of said association, its constitution and by-laws, reducing the number of its managers and trustees, providing for their election, and regulating the use of its premises" (Int. No. 105), which was read the first time and referred to the committee on charitable and religious societies.

By unanimous consent,

Mr. Parker introduced a bill entitled "An act to legalize, ratify and confirm the elections held, by the voters of Union Free School District No. 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds" (Int. No. 106), which was read the first time.

On motion of Mr. Parker, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on public education.

A message from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,

ALBANY, *January 5, 1905.*

Hon. S. F. NIXON, *Speaker of the Assembly, Capitol:*

Dear Sir.—In order to facilitate public business and to economize the time of all concerned, Governor Higgins directs me to announce that he has decided upon these hours for receiving callers at the Executive Chamber:

Members of the Legislature from 10 to 11 o'clock a. m.

State officers from 11 to 12 o'clock noon.

Newspaper correspondents, noon.

General public, 12 to 1 o'clock p. m.

Members of the Legislature from 4 to 5 o'clock p. m.

Newspaper correspondents, 5 o'clock p. m.

Very truly yours,

FRANK E. PERLEY,

*Secretary to the Governor.*

Mr. Speaker presented the following communication :

Hon. William Lindsay of New York city will deliver an address before the New York State Bar Association in the Assembly Chamber to-morrow (Tuesday) evening at 8 o'clock. The Bar Association extends a cordial invitation to the members of this House to be present.

Also, a memorial for an investigation of the conditions surrounding gas and electric lighting in the city of New York, from the Merchants' Association of New York, which was referred to the committee on ways and means.

Mr. Rogers offered for the consideration of the House a resolution, in the words following :

Resolved, That on Tuesday, January 17, at 12 o'clock noon, the Assembly proceed to vote for a Senator in Congress in place of the Hon. Chauncey M. Depew, whose term of office will expire on the 4th day of March next.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Palmer offered for the consideration of the House a resolution, in the words following :

Whereas, It is currently reported in the public prints that an inaccessible and inconvenient location has been selected for political or factional reasons by the State Lunacy Commission, with the approval of the late Governor of the State, for a proposed new State hospital in Washington county ; and

Whereas, It is furthermore alleged that the owner of the site selected is to receive from the State an excessive and exorbitant compensation, disproportionate to the current prices of real estate in that locality ; therefore, be it

Resolved, That the Assembly committee on ways and means be directed to investigate this contract, and report to this Assembly all the facts and figures pertinent thereto, and that the State Lunacy Commission be requested to transmit to such committee such facts and figures, together with all reports made by experts, if any, or other data bearing on the relative desirability of sites and locations to be selected ; to the end that the Legislature may, if necessary, enact laws to protect the treasury of the State, and its charitable and philanthropic interests from future injurious contracts or purchases.

Said resolution was read and referred to the committee on ways and means.



Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Whereas, Theodore Roosevelt, a former Governor and distinguished citizen of the State of New York, has been elected President of the United States, and is to be inaugurated as such at the capitol city of Washington on March 4, 1905; be it

Resolved (if the Senate concur), That the Governor be and he hereby is requested to tender to Mr. Roosevelt a personal escort for the occasion named, of a suitable body of troops of all arms of the National Guard of New York.

Said resolution was read and referred to the committee on ways and means.

Mr. Palmer offered for the consideration of the House a resolution, in the words following:

Whereas, The recent designation by the late Governor of the State of two justices of the Appellate Division for the Second Department was made under circumstances pointed to political favoritism as well as a violation of the Constitution of the State of New York, to wit: That one of the justices so designated to serve on the Appellate Division of this department had not yet been elected as a justice of the Supreme Court; and by his designation it made four of the seven justices of the Appellate Division of that department nonresidents of the Second Judicial Department; therefore, be it

Resolved, That the judiciary committee of this Assembly be directed to investigate these designations, report as to the propriety and constitutionality thereof and also to recommend such measures as may be necessary in future to protect the bench and bar of the State and its numerous litigants against executive interference with the judiciary and partisan rewards and punishments thereof.

Said resolution was read and referred to the committee on ways and means.

Mr. Fuller offered for the consideration of the House a resolution, in the words following:

Whereas, It is deemed desirable for the public good that there should be a legislative investigation into all and singular:

First. The conditions surrounding the production, distribution and cost of gas and electric light in the city of New York and the reasonableness of the charges therefor, both to the city and to private consumers.

Second. The conditions surrounding the operation and control of electrical subways constructed in the city of New York under the provisions of the statutes of this State; the accounts and earnings of such subways and the amounts, if any, due the city of New York as the result of their operation to the end that any action of the Legislature in reference thereto may be more intelligently taken;

Resolved (if the Senate concur), That a joint committee be appointed consisting of four members of the Assembly to be named by the Speaker, and three members of the Senate to be named by the President, which joint committee shall have full power and authority to investigate all and singular the conditions surrounding the production, distribution and cost of the manufacture of gas and electric light in each and all of the several boroughs constituting the Greater City of New York, and the reasonableness of the charges therefor, "both to the city and to private consumers; also to obtain for purposes of comparison statistics as to similar conditions in other cities and also to investigate the conditions surrounding the operation and control of the electrical subways and conduits constructed in the city of New York under the provisions of the statutes of this State, the accounts and earnings of such subways and the amounts, if any, due the city of New York as the result of their operation, and all matters and things in any way relevant or appertaining to such inquiry, with full power to prosecute its inquiry in any and every direction in its judgment necessary and proper to enable it to obtain and report the facts; and further

Resolved, That said committee be and it hereby is authorized to employ one or more stenographers, one or more counsel, and such other assistants, including a secretary as it may deem necessary for the proper conduct of the investigation herein directed, and that it shall have the power to compel the production before it of any books and records, letters or documentary evidence of any character which, in the judgment of the committee, pertains to any matter or thing under investigation and wherever found; and also to compel the attendance of any witnesses; such production of documents or attendance of witnesses to be required by subpoena signed by the chairman of the committee or its acting chairman, or one of the counsel to the committee; that any member of said committee may administer the oath or affirmation to any witness produced before it; and said committee may hold its meetings in both the city of New York and in the city of Albany; that any member or members of the committee and its counsel, clerk or clerks shall have access at all times, during the life of the committee, to all books, records,



papers and other documents on file in the offices of the various departments of the said city of New York and of the various counties in which the said city is located and the various subdivisions thereof throughout said city and county; that said committee shall exercise and enjoy all the powers, privileges and authority of the legislative committee, with full power to enforce its directions and mandates; and further

Resolved, That for any testimony given before said committee, it is the judgment of this body that no witness shall be prosecuted, indicted, held liable or proceeded against in any other action or proceeding, for any testimony given by him before said committee; and that the Sergeant-at-Arms shall attend said committee and shall serve or cause to be served all subpoenas issued by the committee and perform all duties as Sergeant-at-Arms required by the committee. It is further

Resolved, That the said committee be and it is hereby directed to report on or before April 1, 1905, to the Legislature with such measures as in its judgment may be necessary in view of the facts and conditions by it discovered and ascertained, to the end that proper and remedial legislation may be enacted.

Said resolution was read and referred to the committee on ways and means.

Mr. Palmer offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That the following amendment to the Constitution be agreed to and referred to the Legislature to be chosen at the next general election of senators:

Section two, article six of the constitution is hereby amended to read as follows: The Legislature shall divide the State into four judicial departments. The first department shall consist of the county of New York; the others shall be bounded by county lines and be compact and equal in population as nearly as may be. Once every ten years the Legislature may alter the judicial departments but without increasing the number thereof. There shall be an appellate division of the supreme court, consisting of seven justices in the first department, and of five justices in each of the other departments. In each department four shall constitute a quorum, and the concurrence of three shall be necessary to a decision. No more than five justices shall sit in any case. From all the justices elected to the supreme court the [governor] court of appeals shall designate those who shall constitute the appellate division in each department; and [he] the court of appeals shall designate the presiding justice thereof, who shall act as such during his term of office, and shall be a resident of the department. The other

justices shall be designated for terms of five years or the unexpired portions of their respective terms of office, if less than five years. From time to time as the terms of such designations expire, or vacancies occur, [he] the court of appeals shall make new designations. A majority of the justices so designated to sit in the appellate division, in each department shall be residents of the department. [He] The court of appeals may also make temporary designations in case of the absence or inability to act of any justice in the appellate division, or in case the presiding justice of any appellate division shall certify to [him] the court of appeals that one or more additional justices are needed for the speedy disposition of the business before it. Whenever the appellate division in any department shall be unable to dispose of its business within a reasonable time, a majority of the presiding justices of the several departments at a meeting called by the presiding justice of the department in arrears may transfer any pending appeals from such department to any other department for hearing and determination. No justice of the appellate division shall exercise any of the powers of a justice of the supreme court, other than those of a justice out of court, and those pertaining to the appellate division or to the hearing and decision of motions submitted by consent of counsel. From and after the last day of December, eighteen hundred and ninety-five, the appellate division shall have the jurisdiction now exercised by the supreme court at its general terms and by the general terms of the court of common pleas for the city and county of New York, the superior court of the city of New York, the superior court of Buffalo and the city of Brooklyn, and such additional jurisdiction as may be conferred by the legislature. It shall have power to appoint and remove a reporter. The justices of the appellate division in each department shall have power to fix the times and places for holding special and trial terms therein, and to assign the justices in the departments to hold such terms; or to make rules therefor.

Said resolution was read and referred to the committee on the judiciary.

Mr. Leggett offered for the consideration of the House a resolution, in the words following:

Whereas, A notice of contest of election has been duly filed with the Clerk of this House, whereby J. Harvey Waite contests the election of Charles J. Dodd, now sitting as a member of Assembly, representing the Sixth Assembly district of the county of Kings; and Samuel J. Palmer contests the election of Thomas F. Mathews, now sitting as a Member of Assembly representing

the Thirteenth Assembly district of the county of Kings; therefore, be it

Resolved, That the said contests of election be and the same are hereby referred to the committee on privileges and elections and that the said committee be and it hereby is empowered to hear said contests of election, to conduct an investigation into the grounds thereof, and to take testimony therein, with full power to prosecute its inquiry in any and every direction in its judgment necessary and proper to enable it to obtain and to report to this House the facts in reference to the said contest of election, together with its recommendations thereon; and further

Resolved, That said committee be and hereby is authorized to employ one or more stenographers, counsel and such other assistants as may be deemed necessary by said committee, or its chairman, for the proper conduct of the inquiry herein directed; and that the said committee be and it hereby is directed and empowered in its discretion to conduct the investigation and take testimony in the counties of Kings and New York as well as in the county of Albany.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Agnew	Cooke	Hanford	Ogden	Smith A E
Allen F E	Coon	Hapeman	O'Neill	Smith J E
Allen J G	Cotton	Hartman	Palmer	Standart
Anderson	Coutant	Hooker	Parker	Steele
Appar	Cowan	Hornidge	Patton	Stevens
Bass	Cox	Hubbs	Perham	Tenjust
Becker	Dale	Kavanagh	Perry	Thompson G F
Bedell	Donovan	La Fetra	Phillips	Thonet
Beebe	Dowling	La Rue	Pratt	Waddell
Beihlf	Etzel	Lewis	Prentice	Wade
Bird	Evans	Machacek	Quinn	Wainwright
Bisland	Fish	Malloy	Reeve	Wedemeyer
Brooks	Fitzsimons	Mathews T F	Rigby	Wemple
Burnett	Foelker	Matthews C R	Rogers	Whitney F G
Burzynski	Foster	McKeown	Salomon	Wiegand
Byrne	Francisco	McManus	Santee	Wilsnack
Cadin	Freidel	Mead	Schoeneck	Wilson
Cahn	Gardner	Merritt	Shanahan	Wood F J C
Callahan	Gates	Miller	Sheehy	Wood F X
Carrier	Grady	Moreland	Sherry	Yale
Charles E E	Gurnett	Murphy	Shuttleworth	Young
Charles W B	Hackett	Nugent	Smith A P	

On motion of Mr. Rogers, the House adjourned.

## TUESDAY, JANUARY 17, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the annual report of the State Superintendent of Elections, which was laid upon the table and ordered printed.

(See Document.)

Mr. West was excused indefinitely on account of illness.

The privileges of the floor were extended to E. M. Wells and Mr. Taylor.

Mr. Bedell introduced a bill entitled "An act to amend chapter 45 of the Laws of 1900, entitled 'An act to extend the time within which the Buffalo, Gardenville and Ebenezer Railway shall finish its road and put it in operation beyond its present construction and operation,' in relation to the time limitation" (Int. No. 107), which was read the first time and referred to the committee on railroads.

Mr. Brooks introduced a bill entitled "An act to amend chapter 112 of the Laws of 1896, entitled 'An act in relation to the traffic in liquors, and for the taxation and regulation of the same and to provide for local option, constituting chapter 29 of the general laws and the several acts amendatory thereof and supplementary thereto, in relation to penalties'" (Int. No. 108), which was read the first time and referred to the committee on excise.

Also, a bill entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplemental thereto, in relation to fixing the term of office of the mayor of the city of Buffalo" (Int. No. 109), which was read the first time and referred to the committee on affairs of cities.

Mr. Foelker introduced a bill entitled "An act providing for a license for nonresidents to hunt deer" (Int. No. 110), which was read the first time and referred to the committee on fisheries and game.



Mr. Francisco introduced a bill entitled "An act to amend the Greater New York charter, chapter 378 of the Laws of 1897, and the several acts amendatory thereof and supplemental thereto, by changing the rate of interest chargeable upon unpaid taxes, assessments and water rates" (Int. No. 111), which was read the first time and referred to the committee on affairs of cities.

Mr. Fuller introduced a concurrent resolution entitled "Concurrent resolution of the Assembly and Senate, proposing an amendment to article 12 of the Constitution" (No. 112), which was read the first time and referred to the committee on the judiciary.

Mr. Hubbs introduced a bill entitled "An act to amend the Forest, Fish and Game Law relating to wild fowl on Long Island" (Int. No. 113), which was read the first time and referred to the committee on fisheries and game.

Mr. Malloy introduced a bill entitled "An act to amend subdivision 6, section 34, chapter 909 of the Laws of 1896, as amended by chapter 544 of the Laws of 1901, entitled 'An act in relation to the elections' in regard to challenges to applicants for registration" (Int. No. 114), which was read the first time and referred to the committee on the judiciary.

Mr. Reeve introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to penalties" (Int. No. 115), which was read the first time and referred to the committee on fisheries and game.

Mr. Riley introduced a bill entitled "An act to amend section 664 of the Greater New York charter in relation to the powers of the commissioner of charities" (Int. No. 116), which was read the first time and referred to the committee on affairs of cities.

Mr. Stevens introduced a bill entitled "An act to provide for the endowment of chapels and crematories" (Int. No. 117), which was read the first time and referred to the committee on charitable and religious societies.

Mr. Wainwright introduced a bill entitled "An act to make an appropriation to provide for the transportation, subsistence and other expenses of the National Guard of New York at the inauguration of Theodore Roosevelt of New York as President of the United States" (Int. No. 118), which was read the first time and referred to the committee on ways and means.



Mr. Wedemeyer introduced a bill entitled "An act for the relief of Richard Davis, a volunteer fireman, for injuries received while a member of Richmond Hook and Ladder Company No. 4, a volunteer fire company of the city of New York" (Int. No. 119), which was read the first time and referred to the committee on affairs of cities.

Mr. Palmer introduced a bill entitled "An act to amend chapter 155 of the Laws of 1868, entitled 'An act to incorporate the Schoharie and Schenectady Counties Farmers' Mutual Fire Insurance Association,' and the several acts amendatory thereof, relating to insurance against loss by lightning, the kind of property insured, the officers of the corporation, the method of assessing and settling losses, and borrowing money to pay the same, and reports of officers" (Int. No. 120), which was read the first time and referred to the committee on insurance.

Mr. McKeown introduced a bill entitled "An act to amend chapter 339 of the Laws of 1883, entitled 'An act concerning pawn-brokers'" (Int. No. 121), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Public Health Law and the acts amendatory thereof, in relation to pharmacy" (Int. No. 122), which was read the first time and referred to the committee on public health.

Mr. Mead introduced a bill entitled "An act to amend an act entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor" (Int. No. 123), which was read the first time and referred to the committee on internal affairs.

Mr. Perham introduced a bill entitled "An act to provide for the hearing, auditing and determining of claims of persons alleged to have been injured by and during the construction of the city of New York under and pursuant to the provisions of chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants,' and all acts amenda-

tory thereof,' of the rapid transit railway known as the Subway " (Int. No. 124), which was read the first time and referred to the committee on the judiciary.

By unanimous consent,

Mr. La Rue introduced a bill entitled "An act to amend the Code of Civil Procedure in relation to the Supreme Court reporter " (Int. No. 125), which was read the first time and referred to the committee on codes.

Mr. Rogers introduced a bill entitled "An act to provide for the payment of office expenses and salaries of employees in the office of the State Superintendent of Elections for the metropolitan elections district " (Int. No. 126), which was read the first time and referred to the committee on ways and means.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Rogers, Int. No. 62, entitled "An act making an appropriation for the payment of the principal and interest of public defence bonds issued pursuant to chapter 672 of the Laws of 1898, and chapter 493 of the Laws of 1899 " (No. 62), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Rogers, Int. No. 61, entitled "An act providing for the payment of the balance due newspapers for the publication of the general laws of the State for the year 1904 " (No. 61), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Rogers, Int. No. 60, entitled "An act to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the Legislature of 1904, proposing amendments to the Constitution of this State, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract " (No. 60), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips offered for the consideration of the House a resolution, in the words following:

Resolved, That the chairman of the committee on codes be and he hereby is authorized to purchase for the use of the committee on codes, at an expense not to exceed \$100, the latest editions of the statutes and codes of this State, to be paid out of the contingent fund of this House, on the certificate of the chairman of the committee on codes and the Clerk of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Kavanaugh	Patton	Smith J T
Allen F E	Dowling	Knapp	Pendry	Standart
Allen J G	Ellis	La Fetra	Perham	Stanley
Anderson	Etzel	Leggett	Phillips	Stevens
Bass	Everett	Lewis	Plank	Sullivan
Bedell	Fish	Machacek	Pratt	Tenjust
Beihliff	Fitzsimons	Maier	Prentice	Thompson G F
Bird	Foelker	Malloy	Quinn	Thonet
Brady	Foster	Mathews T F	Reeve	Thompkins
Brooks	Freidel	Matthews C R	Reilly	Waddell
Burnett	Gardner	McKeown	Rigby	Wagner
Burzynski	Gates	McManus	Rosenstein	Wadsworth
Cadin	Grady	Mead	Salomon	Wedemeyer
Cahn	Grattan	Merritt	Santee	West
Carrier	Gurnett	Miller	Schoeneck	Wemple
Caughlan	Hackett	Monroe	Scovill	Whitney G H
Charles W B	Hammond	Murphy	Shanahan	Wiegand
Coon	Hanford	Newton	Sheldon	Wilsnack
Coutant	Hartman	Nugent	Shuttleworth	Wilson
Cox	Hastings	O'Neill	Slocum	Wood F C
Cunningham	Hornidge	Palmer	Smith A P	Wood F X
Dale	Hubbs	Parker	Smith J E	Yale
Dodd				

Mr. Burnett offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be and hereby is directed to purchase such copies of the latest edition of the statutes as may be required for the use of the committee on affairs of cities, at an expense not to exceed \$100, to be paid for out of the contingent fund of the House on the certificate of said Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Hooper	Patton	Slocum
Allen F E	Dowling	Hornidge	Pendry	Smith A P
Allen J G	Ellis	Hurd	Perham	Smith J E
Anderson	Etzel	Kavanaugh	Perry	Smith J T
Apgar	Evans	Knapp	Phillips	Smith R H
Bass	Everett	La Rue	Plank	Standart
Becker	Fish	Leggett	Pratt	Steele
Beebe	Foelker	Machacek	Prentice	Stevens
Beihilf	Foster	Maier	Prince	Sullivan
Bird	Francisco	Mathews T F	Reeve	Thompson G F
Brady	Freidel	Matthews C R	Reilly	Thompson J A
Brooks	Gardner	McKeown	Rigby	Thonet
Burnett	Gates	McManus	Rogers	Tompkins
Burns	Grady	Mead	Rosenstein	Wade
Byrne	Grattan	Miller	Sammon	Wadsworth
Cahn	Gray	Monroe	Santee	Wainwright
Carrier	Gurnett	Moreland	Schoeneck	West
Charles E E	Hackett	Murphy	Scovill	Whitney F G
Cooke	Hanmond	Newton	Shanahan	Whitney G H
Coon	Hanford	Nugent	Sheehy	Wiegand
Coutant	Hapeman	Ogden	Sheldon	Wilsnack
Cowan	Hartman	O'Neill	Sherry	Wolf
Cunningham	Hastings	Palmer	Shuttleworth	Wood F X
Dale	Hooker	Parker		

At 11.15 o'clock a. m. the House, on motion of Mr. Rogers, took a recess until 12 o'clock m.

## TWELVE O'CLOCK M.

The House again met.

The hour of 12 o'clock m. having arrived, Mr. Speaker announced that, pursuant to a law enacted by Congress, entitled "An act to regulate the times and manner of holding elections of Senator in Congress," and agreeable to a resolution of the Assembly heretofore adopted, the Assembly would now proceed to nominate a Senator to represent this State in the Congress of the United States in place of Chauncey M. Depew, whose term of office will expire on the 4th day of March next.

Whereupon in open session, each member as his name was called arose in his place and by viva voce vote named the following for Senator:

## CHAUNCEY M. DEPEW.

Agnew	Cowan	Hubbs	Perham	Stanley
Allen F E	Cunningham	Hurd	Perry	Steele
Allen J G	Etzel	Knapp	Phillips	Stevens
Apgar	Evans	La Rue	Plank	Tenjust



Bass	Fish	Leggett	Platt	Thompson G F
Becker	Foelker	Lewis	Pratt	Thonet
Bedell	Foster	Maier	Prentice	Waddell
Beebe	Francisco	Matthews C R	Reeve	Wade
Beihlf	Freidel	Mead	Rigby	Wadsworth
Bisland	Gardner	Merritt	Rogers	Wainwright
Brady	Gates	Miller	Santee	Wemple
Brooks	Grattan	Monroe	Schoeneck	Whitney F G
Burnett	Gray	Moreland	Scovill	Whitney G H
Cadin	Hammond	Murphy	Sheldon	Wilsnack
Callahan	Hanford	Newton	Shuttleworth	Wilson
Carrier	Hapeman	Ogden	Slocum	Wood F C
Charles E E	Hartman	O'Neill	Smith A P	Wood F X
Charles W B	Hastings	Parker	Smith J E	Yale
Coon	Hooker	Patton	Smith J T	Young
Cotton	Hooper	Pendry	Standart	Speaker 100

### SMITH M. WEED.

Bird	Donovan	Kavanugh	Quinn	Smith R H
Burns	Ellis	La Fetra	Reilly	Sullivan
Burzynski	Everett	Machacek	Rosenstein	Thompson J A
Byrne	Fitzsimons	Malloy	Salomon	Tompkins.
Cahn	Fuller	Mathews T F	Sammon	Wagner
Caughlan	Grady	McKeown	Shanahan	Wedemeyer
Cooke	Gurnett	McManus	Sheehy	Wiegand
Dale	Hackett	Nugent	Sherry	Wolf
Dodd	Hornidge	Prince	Smith A E	44

Whole number of votes.....	144
For Chauncey M. Depew.....	100
For Smith M. Weed.....	44

A quorum of all the members elected to the Assembly having voted, and Chauncey M. Depew having received a majority of the votes cast,

Mr. Speaker announced and declared that Chauncey M. Depew, of the borough of Manhattan, in the city of New York, in the county of New York and State of New York, was duly nominated by the Assembly for Senator in Congress for the State of New York from the 4th day of March, 1905, in place of Chauncey M. Depew, whose term of office will then expire.

By unanimous consent, on motion of Mr. McKeown, the fact that Mr. Palmer was unavoidably absent and would if present have voted for Smith M. Weed, was ordered entered upon the journal.

On motion of Mr. Rogers, the House adjourned.



## WEDNESDAY, JANUARY 18, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Edwin P. Stevens.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the twentieth annual report of the Managers of the Custodial Asylum for Feeble-Minded Women, which was laid upon the table and ordered printed.

(See Document.)

Also, the twenty-ninth annual report of the New York State Reformatory at Elmira, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the United States Volunteer Life Saving Corps (Inland Waters) of the State of New York, which was laid upon the table and ordered printed.

(See Document.)

Also, the eleventh annual report of the Board of Managers of the Western House of Refuge at Albion, which was laid upon the table and ordered printed.

(See Document.)

Messrs. Perham, Standart and Wainwright were excused until Monday next.

Mr. Merritt was excused indefinitely on account of illness.

Mr. Speaker presented a communication from Hon. John G. Wickser, retiring State Treasurer, requesting the appointment of a committee to examine his accounts, pursuant to section 41 of article 4 of the Executive Law, which was referred to the committee on ways and means.

The privileges of the floor were extended to Hon. Charles L. Guy, of New York, and Congressman Laidlaw.

Mr. Burnett introduced a bill entitled "An act to amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants,' in reference to the construction of pipe galleries" (Int. No. 127), which

was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants'" (Int. No. 128), which was read the first time and referred to the committee on affairs of cities.

Mr. Leggett introduced a bill entitled "An act to amend chapter 744 of the Laws of 1904 in relation to the expense of publishing notice of tax sales in Niagara county" (Int. No. 129), which was read the first time and referred to the committee on internal affairs.

Mr. Ogden introduced a bill entitled "An act to amend chapter 6 of title 15 of the Penal Code by adding a new section" (Int. No. 130), which was read the first time and referred to the committee on codes.

Mr. Prentice introduced a bill entitled "An act to amend the Greater New York charter relative to the Court of Special Sessions" (Int. No. 131), which was read the first time and referred to the committee on affairs of cities.

Mr. Palmer introduced a bill entitled "An act to confer jurisdiction on the Court of Claims to hear, audit, and determine the alleged claim of Joseph Clever against the State of New York, for damages for injuries sustained by him while an inmate of the State Industrial School of Rochester, N. Y., duly committed thereto" (Int. No. 132), which was read the first time and referred to the committee on claims.

Mr. Patton introduced a bill entitled "An act to enable the county of Erie and the town of Grand Island to construct a bridge from the town of Grand Island across the east branch of Niagara river to the mainland, and to issue bonds therefor" (Int. No. 133), which was read the first time and referred to the committee on commerce and navigation.

Mr. Rigby introduced a bill entitled "An act to authorize the board of estimate and apportionment of the city of New York, in its discretion, to examine, audit and allow the alleged claims of persons who have furnished work, labor and services or materials or supplies under request, order or direction of the fire depart-

ment of the city of New York." (Int. No. 134), which was read the first time and referred to the committee on affairs of cities.

Mr. Standart introduced a bill entitled "An act to transfer control and jurisdiction over Fillmore avenue, in the city of Buffalo, between the southerly line of Best street and the northerly line of Seneca street, from the park department to the common council and other proper departments of the city government" (Int. No. 135), which was read the first time and referred to the committee on affairs of cities.

Mr. Stanley introduced a bill entitled "An act to amend section 544 of the Penal Code of the State of New York" (Int. No. 136), which was read the first time and referred to the committee on codes.

Mr. A. P. Smith introduced a bill entitled "An act to amend section 28 of article 2 of chapter 20 of the Laws of 1900, known as an act for the protection of the forest, fish and game of the State, constituting chapter 31 of the general laws, by adding a new section to said section 28, to be known as section 28-a, in relation to the sale of woodcock and grouse" (Int. No. 137), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend section 28 of article 2, chapter 20, of the Laws of 1900, known as an act for the protection of the forests, fish and game of the State, constituting chapter 31 of the general laws, regulating the sale of woodcock, grouse and quail" (Int. No. 138), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend section 43 of article 3 of chapter 20 of the Laws of 1900, known as an act for the protection of the forests, fish and game of the State, constituting chapter 31 of the general laws, regulating the sale of trout" (Int. No. 139), which was read the first time and referred to the committee on fisheries and game.

Mr. Tompkins introduced a bill entitled "An act to amend the Penal Code of the State of New York in relation to the carrying of loaded firearms concealed about the person" (Int. No. 140), which was read the first time and referred to the committee on codes.

Mr. Wainwright introduced a bill entitled "An act to amend the

Liquor Tax Law, relative to the submission of questions as to the sale of liquors in residence districts in certain cities and villages " (Int. No. 141), which was read the first time and referred to the committee on excise.

Mr. Fish introduced a bill entitled "An act to legalize and confirm the official acts of various notaries public and commissioners of deeds, done and performed in the State of New York after the expiration of the several and respective terms of office, or after their failure to take and file their respective oaths of office or otherwise qualify according to law, between the 24th day of March, 1904, and the 17th day of January, 1905 " (Int. No. 142), which was read the first time and referred to the committee on the judiciary.

Mr. F. G. Whitney introduced a bill entitled "An act to amend chapter 394 of the Laws of 1895, entitled 'An act to revise the charter of the city of Oswego,' by authorizing the issue of bonds to provide for a supply of water from Lake Ontario " (Int. No. 143), which was read the first time.

On motion of Mr. F. G. Whitney, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on affairs of cities.

Mr. Steele introduced a bill entitled "An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting system." (Int. No. 144), which was read the first time and referred to the committee on affairs of villages.

Mr. Fish, from the committee on the judiciary to which was referred the bill introduced by Mr. Thonet, Int. No. 34, entitled "An act to legalize the acts of James C. Sheldon, a notary public" (No. 34), retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered referred to its place on the order of third reading.



Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Thompson, Int. No. 32, entitled 'An act to amend the County Law, relative to the compensation of supervisors in Niagara county' (No. 32), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

The bill (No. 62), entitled "An act making an appropriation for the payment of the principal and interest of public defence bonds issued pursuant to chapter 672 of the Laws of 1898, and chapter 493 of the laws of 1899" (Int. No. 62), was read the second time.

On motion of Mr. Rogers, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 61), entitled "An act providing for the payment of the balance due newspapers for the publication of the general laws of the State for the year 1904," (Int. No. 61), was read the second time.

On motion of Mr. Rogers, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 60), entitled "An act to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the Legislature of 1904, proposing amendments to the Constitution of this State, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract" (Int. No. 60), was read the second time.

On motion of Mr. Rogers, said bill was placed on the order of third reading and referred to the committee on revision.

At 11:12 o'clock a. m. the House, on motion of Mr. Rogers, took a recess until 11:45 o'clock a. m.

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#### ELEVEN O'CLOCK AND FORTY-FIVE MINUTES A. M.

The House again met.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed to wait upon the Senate and inform that body that the Assembly will be ready



at the time designated by law and a concurrent resolution of the Senate and Assembly, to meet in joint assembly for the purpose of comparing nominations of the Senate and Assembly, relative to the election of a United States Senator.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Rogers and McKeown.

Messrs. Lewis and Fitzgerald, a committee on the part of the Senate, appeared before the Assembly and announced that the Senate would be ready to meet the body in joint assembly at the time prescribed by law and a concurrent resolution of the Senate and Assembly to compare nominations of the Senate and Assembly relative to the election of United States Senator.

Mr. Rogers, from the committee appointed to inform the Senate that the Assembly would be ready to meet that body in joint convention at the time prescribed by law and a concurrent resolution of the Senate and Assembly, to compare nominations, returned and reported that they had performed that duty.

The hour of 12 o'clock m. having arrived, the Senate thereupon appeared in the Assembly Chamber, whereupon the President of the Senate announced that the Senate and Assembly were in joint assembly for the purpose of electing a Senator to represent this State in the Congress of the United States in place of Chauncey M. Depew whose term of office will expire on the 4th day of March, 1905.

The Clerk of the Senate then read the journal of the Senate, relating to the nomination of United States Senator.

The Clerk of the Assembly then read the proceedings of the Assembly relating to the nomination of United States Senator.

The nomination being found to agree on the name of Chauncey M. Depew, the President of the Senate announced and declared that Chauncey M. Depew, of the borough of Manhattan, in the city of New York, county of New York and State of New York, had been duly elected a Senator of this State to the Congress of the United States for six years from the 4th day of March, 1905.

The Senate then retired from the Assembly Chamber.

Mr. Speaker announced that on the joint meeting of the Senate and Assembly to compare nominations for United States Senator

the nominations of the two houses were found to agree on the name of Chauncey M. Depew, who was thereupon declared by the President of the Senate duly elected as such Senator for the term of six years from the 4th day of March, 1905.

Mr. Burnett.—Mr. Speaker, I observe that there is present in the chamber a distinguished member of the New York bar, a former chief judge of the Court of Appeals of Kentucky, and United States Senator; and I move that the privileges of the floor be accorded to the Hon. William Lindsay, and suggest, Mr. Speaker, that a committee be appointed to conduct the gentleman to the Speaker's rostrum.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Burnett and Hornidge.

Upon being presented to the House, Mr. Lindsay said :

"Mr. Speaker and gentlemen of the Assembly, I desire only to return my heartfelt thanks to this body for the unexpected and distinguished honor I have received at your hands. I feel that you have more important business this morning than listening to words from a defunct senator; and, therefore, I content myself with again assuring you that I shall never forget and shall always gratefully remember this distinguished honor I have received at your hands."

By unanimous consent, and on motion of Mr. Hornidge, the fact that Mr. Anderson was unavoidably absent from yesterday's session, and that he would, if present, have voted for Smith M. Weed, was ordered entered upon the journal.

By unanimous consent, the fact that Mr. Dowling and Mr. Coutant, who were absent from yesterday's session would, if present, have voted for Chauncey M. Depew was ordered entered upon the journal.

Mr. Steele called attention to an error in printing Assembly bill No. 23.

Ordered, That the Clerk direct the State Printer to reprint said bill.

The Clerk reported Assembly bill No. 2 incorrectly printed.

Ordered, That the Clerk direct the State Printer to reprint said bill.

Mr. Nugent offered for the consideration of the House a resolution, in the words following:

Whereas, We learn of the death of Hon. Maurice F. Holohan, who served as a member of this House during the sessions of 1877, 1878 and 1879; therefore be it

Resolved, That when the House adjourns it adjourn out of respect to his memory.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Rogers, the House adjourned pursuant to resolution heretofore adopted.

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#### THURSDAY, JANUARY 19, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the chair.

Prayer by Rev. Charles A. Richmond.

On motion of Mr. Fish, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Ellis introduced a bill entitled "An act to amend the Greater New York charter, being chapter three hundred and seventy-eight of the Laws of eighteen hundred and ninety-seven, as amended" (Int. No. 145), which was read the first time and referred to the committee on affairs of cities.

Mr. Hooker introduced a bill entitled "An act to amend chapter 195 of the Laws of 1884, entitled 'An act to amend chapter 140 of the Laws of 1853, entitled "An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village" and the several acts amendatory thereof,' generally" (Int. No. 146), which was read the first time and referred to the committee on affairs of villages.

Mr. Hartman introduced a bill entitled "An act to establish a State Veterinary College for the eastern portion of the State, at New York University in the city of New York, and to provide

for the administration thereof" (Int. No. 147), which was read the first time and referred to the committee on ways and means.

Mr. Hornidge introduced a bill entitled "An act to amend chapter 108 of the Laws of 1904, so as to authorize the issue of corporate stock of the city of New York, instead of revenue bonds" (Int. No. 148), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter, relative to the department of docks and ferries" (Int. No. 149), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter, relative to finances by amending sections 420 and 544 thereof" (Int. No. 150), which was read the first time and referred to the committee on affairs of cities.

Mr. La Fetra introduced a bill entitled "An act to amend sections 534, 539, 541 and 547, of the Greater New York charter, and the acts amendatory thereof, relative to the department of street cleaning" (Int. No. 151), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (Int. No. 152), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (Int. No. 153), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (Int. No. 154), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (Int. No. 155), which was read the first time and referred to the committee on affairs of cities.

Mr. McKeown introduced a bill entitled "An act to amend the



General Municipal Law, in relation to the acquisition of water rights " (Int. No. 156), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Mead introduced a bill entitled " An act in relation to an additional water supply for the city of Albany " (Int. No. 157), which was read the first time and referred to the committee on affairs of cities.

Mr. Plank introduced a bill entitled " An act making an appropriation for continuing the restocking of the Adirondack region with wild moose " (Int. No. 158), which was read the first time and referred to the committee on ways and means.

Mr. Rogers introduced a bill entitled " An act making appropriations to the State Commissioner of Excise for the payment of refunds on surrender of liquor tax certificates, and for judgments " (Int. No. 160), which was read the first time and referred to the committee on ways and means.

Mr. Reeve introduced a bill entitled " An act to amend the Forest, Fish and Game Law, in relation to the protection of wild black bear " (Int. No. 161), which was read the first time and referred to the committee on fisheries and game.

Mr. R. H. Smith introduced a bill entitled " An act to enable the police commissioner of the city of New York to rehear and determine the charges against Richard Dillon, a policeman of the second grade, for reinstatement in said department " (Int. No. 162), which was read the first time and referred to the committee on affairs of cities.

Mr. Gates introduced a bill entitled " An act to amend the Alien Law, relative to contracts for conditional sales, and filing of the same " (Int. No. 163), which was read the first time and referred to the committee on general laws.

Mr. Hanford introduced a bill entitled " An act to amend the Forest, Fish and Game Law, in relation to the taking of trout " (Int. No. 164), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled " An act to amend the Forest, Fish and Game Law, in relation to close season for woodcock and grouse in the county of Tioga " (Int. No. 165), which was read the first time and referred to the committee on fisheries and game.



Mr. Hapeman introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James R. Angel against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (Int. No. 166), which was read the first time and referred to the committee on claims.

Also, "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Clarence Bailey, against the State of New York, for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (Int. No. 167), which was read the first time and referred to the committee on claims.

Also, a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Gard, against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (Int. No. 168), which was read the first time and referred to the committee on claims.

Mr. Ellis introduced a bill entitled "An act to amend the Greater New York charter, relative to county officers" (Int. No. 169), which was read the first time and referred to the committee on affairs of cities.

Mr. Gates introduced a bill entitled "An act to amend chapter 452 of the Laws of 1904, entitled "An act to authorize the city of Utica to extend its system of drainage and to borrow money to pay for the same" (Int. No. 170), which was read the first time and referred to the committee on affairs of cities.

Mr. Yale introduced a bill entitled "An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York" (Int. No. 171), which was read the first time and referred to the committee on affairs of cities.

Mr. Cowan introduced a bill entitled "An act to amend chapter 141 of the Laws of 1904, entitled "An act to authorize the town board of the town of Hancock, Delaware county, to issue bonds of such town to provide for the construction of an iron

bridge over the Beaverkill river therein' in relation to the time of payment of such bonds" (Int. No. 172), which was read the first time and referred to the committee on internal affairs.

Mr. Lewis introduced a bill entitled "An act to provide for the erection of a new armory building in the city of Oswego, New York, the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and buildings and the application of the proceeds to such new building, and for other purposes relative to the same" (Int. No. 173), which was read the first time and referred to the committee on ways and means.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Steele, Int. No. 24, entitled "An act to legalize, ratify and confirm an issue of bonds of the village of Ilion, in the county of Herkimer, in the amount of \$25,000 dollars issued for the purpose of providing funds to enlarge, repair, improve and extend the electric light plant of said village; and to legalize the special election held on September 13, 1904, and all proceedings connected therewith, under which said bonds are issued" (No. 24), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill, introduced by Mr. Hooker, Int. No. 31, entitled "An act to legalize the official acts of the Bergen fire department, incorporated, of the village of Bergen, Genesee county" (No. 31), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations.

"An act to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the Legislature of 1904, proposing amendments to the Constitution of this State, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract." (No. 60, Int. No. 60.)

“An act providing for the payment of the balance due newspapers for the publication of the general laws of the State for the year 1904.” (No. 61, Int. No. 61.)

“An act making an appropriation for the payment of the principal and interest of public defense bonds issued pursuant to chapter 672 of the Laws of 1898, and chapter 493 of the Laws of 1899.” (No. 62, Int. No. 62.)

Ordered, That said bills be engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed :

“An act providing for the payment of the balance due newspapers for the publication of the general laws of the State for the year 1904.” (No. 61, Int. No. 61.)

“An act to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the Legislature of 1904, proposing amendments to the constitution of this State, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract.” (No. 60, Int. No. 60.)

“An act making an appropriation for the payment of the principal and interest of public defence bonds issued pursuant to chapter 672 of the laws of 1898, and chapter 493 of the Laws of 1899.” (No. 62, Int. No. 62.)

“An act to legalize the acts of James C. Sheldon, a notary public.” (No. 34, Int. No. 34.)

The bill (No. 32), entitled “An act to amend the County Law, relative to the compensation of supervisors in Niagara county” (Int. No. 32), was read the second time.

On motion of Mr. G. F. Thompson, said bill was placed on the order of third reading.

On motion of Mr. G. F. Thompson, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifth being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Cowan	Cunningham	Hurd	Patton	Stevens
Agnew	Dodd	Knapp	Pendry	Sullivan
Allen F E	Dowling	La Fetra	Perham	Tenjost
Allen J G	Ellis	Leggett	Phillips	Thompson G F
Anderson	Evans	Lewis	Platt	Thompson J N
Apgar	Everett	Maier	Prentice	Thonct
Becker	Fitzsimons	Mathews T F	Reeve	Waddell
Beebe	Foelker	Matthews C R	Reilly	Wagner
Bird	Francisco	McKeown	Rigby	Wadsworth
Brady	Fuller	McManus	Rogers	Wainwright
Brooks	Gardner	Mead	Sammon	West
Burns	Grady	Merritt	Santee	Wemple
Byrne	Gray	Miller	Shanahan	Whitney G H
Cadin	Gurnett	Monroe	Sheehy	Wiegand
Cahn	Hammond	Moreland	Shuttleworth	Wilsnack
Caughlan	Hanford	Murphy	Slocum	Wolf
Charles W B	Hartman	Newton	Smith A P	Wood F C
Cooke	Hastings	Ogden	Smith R H	Wood F X
Cotton	Hooper	O'Neill	Standart	Yale
Coutant	Hornidge	Parker	Stanley	Young
Cox				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

On motion of Mr. Fish, the House adjourned.

FRIDAY, JANUARY 20, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the chair.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Phillips, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the tenth annual report of the Forest, Fish and Game Commission, which was laid upon the table and ordered printed.

(See Document.)

Mr. Cox introduced a bill entitled "An act to amend chapter 369 of the Laws of 1895, entitled 'An act creating a commissioner of jurors for each county of the State having a certain population, etc., relative to exemptions of jurors from service during two succeeding years after service'" (Int. No. 174), which



was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Code of Civil Procedure, in relation to the surrogates court" (Int. No. 175), which was read the first time and referred to the committee on codes.

Mr. Reeve introduced a bill entitled "An act to release to Ralph A. Dawson and his heirs and assigns the interest of the State in certain lands in the town of Southampton, Suffolk county, N. Y." (Int. No. 176), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to continue and extend the charter of the Suffolk County Mutual Insurance Company" (Int. No. 177), which was read the first time and referred to the committee on insurance.

Also, a bill entitled "An act to amend the Tax Law, in relation to the transfer tax clerk of Suffolk county" (Int. No. 178), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Rogers introduced a bill entitled "An act to provide for the compensation and expenses for the legislative session of 1905, of persons appointed to draft, examine and revise bills" (Int. No. 179), which was read the first time and referred to the committee on ways and means.

Mr. Shannon introduced a bill entitled "An act to repeal subdivision 7 of section 12 of the municipal court act of the city of New York, relative to designation and rotation of judges" (Int. No. 180), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Code of Civil Procedure, relative to the justification of sureties on undertakings in attachment proceedings" (Int. No. 181), which was read the first time and referred to the committee on codes.

Mr. A. P. Smith introduced a bill entitled "An act to authorize the erection of an addition to present school building by the Palmyra classical union school in school district No. 1, in the town of Palmyra, and to provide for the payment therefor" (Int. No. 182), which was read the first time and referred to the committee on internal affairs.



Mr. Wilsnack introduced a bill entitled "An act to amend the Greater New York charter relative to employees of ferries" (Int. No. 183), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter relative to employees of ferries" (Int. No. 184), which was read the first time and referred to the committee on affairs of cities.

Mr. Phillips introduced a bill entitled "An act to legalize the bonds of the village of Alfred, in the county of Allegany, to be issued for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village and to legalize all proceedings in relation thereto, including the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 17th day of September, 1901, and also the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 31st day of August, 1903, and to provide for the payment of said bonds" (Int. No. 185), which was read the first time.

On motion of Mr. Phillips, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on affairs of villages.

Mr. Brooks, from the committee on printing and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the County Law, relative to the compensation of supervisors in Niagara county." (No. 32, Int. No. 32.)

"An act to legalize, ratify and confirm an issue of bonds of the village of Ilion, in the county of Herkimer, in the amount of \$25,000 issued for the purpose of providing funds to enlarge, repair, improve and extend the electric light plant of said village; and to legalize the special election held on September 13, 1904, and all proceedings connected therewith, under which said bonds are issued." (No. 24, Int. No. 24.)

"An act to legalize the official acts of the Bergen fire department, incorporated, of the village of Bergen, Genesee county." (No. 31, Int. No. 31.)

The bill (No. 24), entitled "An act to legalize, ratify and confirm an issue of bonds of the village of Ilion, in the county of Herkimer, in the amount of \$25,000 issued for the purpose of providing funds to enlarge, repair, improve and extend the electric light plant of said village; and to legalize the special election held on September 13, 1904, and all proceedings connected therewith, under which said bonds are issued" (Int. No. 24), was read the second time.

On motion of Mr. Steele, said bill was placed on the order of third reading.

On motion of Mr. Steele, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to the final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112  
NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Kavanaugh	Pendry	Smith R H
Allen F E	Dodd	Knapp	Perham	Stanley
Allen J G	Dowling	La Fetra	Phillips	Steele
Anderson	Ellis	La Rue	Plank	Stevens
Apgar	Etzel	Leggett	Pratt	Sullivan
Bass	Evans	Machacek	Prentice	Thompson G F
Becker	Fish	Maier	Quinn	Thonet
Bedell	Fitzsimons	Malloy	Reilly	Tompkins
Beihlf	Foster	Mathews T F	Rigby	Wade
Bird	Francisco	Matthews C R	Rosenstein	Wagner
Bisland	Fuller	McKeown	Salomon	Wadsworth
Brooks	Gardner	McManus	Sammon	Wedemeyer
Burns	Grady	Mead	Schoeneck	West
Byrne	Grattan	Merritt	Shanahan	Whitney F G
Cadin	Gurnett	Miller	Sheehy	Whitney G H
Callahan	Hackett	Moreland	Sheldon	Wiegand
Carrier	Hanford	Murphy	Sherry	Wilsnack
Caughlan	Hartman	Newton	Shuttleworth	Wolf
Charles W B	Hastings	Ogden	Slocum	Wood F C
Cooke	Hooker	O'Neill	Smith A E	Wood F X
Coon	Hornidge	Parker	Smith J E	Yale
Coutant	Hubbs	Patton	Smith J T	Young
Cox	Hurd			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 31), entitled "An act to legalize the official acts of the Bergen fire department, incorporated, of the village of Bergen, Genesee county" (Int. No. 31), was read the second time.

On motion of Mr. Hooker, said bill was placed on the order of third reading.

On motion of Mr. Hooker, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to the final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hapeman	Parker	Smith J E
Allen F E	Cotton	Hastings	Patton	Smith R H
Allen J G	Coutant	Hooker	Pendry	Standart
Anderson	Cox	Hooper	Perham	Stanley
Apgar	Cunningham	Hornidge	Perry	Steele
Bass	Dodd	Hubbs	Plank	Stevens -
Becker	Donovan	Hurd	Platt	Tenjust
Bedell	Dowling	Knapp	Prentice	Thompson G F
Beebe	Etzel	La Fetra	Prince	Thompson J A
Beihlf	Evans	La Rue	Reeve	Tompkins
Bird	Everett	Lewis	Reilly	Wade
Bisland	Fitzsimons	Maier	Rogers	Wagner
Brady	Foster	Malloy	Rosenstein	Wainwright
Brooks	Francisco	Matthews C R	Sammon	West
Burnett	Fuller	McKeown	Santee	Wemple
Burns	Gardner	McManus	Scovill	Whitney G H
Byrne	Gates	Merritt	Sheehy	Wiegand
Cadin	Grattan	Monroe	Sheldon	Wilsnack
Cahn	Gray	Murphy	Sherry	Wolf
Callahan	Gurnett	Nugent	Slocum	Wood F C
Caughlan	Hackett	O'Neill	Smith A P	Wood F X
Charles E E	Hammond	Palmer	Smith A E	Yale
Charles W B	Hanford			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 61), entitled "An act providing for the payment of the balance due newspapers for the publication of the general laws of the State for the year 1904" (Int. No. 61), was read the third time, having been printed and upon the desks of the

members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooker	Perham	Stanley
Allen F E	Cowan	Hooper	Perry	Steele
Allen J G	Cox	Hubbs	Phillips	Sullivan
Anderson	Dale	Hurd	Pratt	Tenjest
Apgar	Dodd	Knapp	Prentice	Thompson J A
Becker	Donovan	La Fetra	Prince	Thonet
Bedell	Ellis	Leggett	Reeve	Tompkins
Beihlf	Etzel	Machacek	Reilly	Wade
Bird	Evans	Malloy	Rigby	Wagner
Bisland	Fish	Mathews T F	Rogers	Wadsworth
Brooks	Foelker	McKeown	Salomon	Wedemeyer
Burnett	Foster	McManus	Santee	West
Burns	Freidel	Merritt	Scovill	Wemple
Byrne	Gardner	Miller	Sheehy	Whitney G H
Cadin	Gates	Moreland	Sherry	Wiegand
Callahan	Grattan	Murphy	Shuttleworth	Wilsnack
Carrier	Gray	Nugent	Smith A P	Wolf
Caughlan	Gurnett	Ogden	Smith A E	Wood F C
Charles W B	Hammond	Palmer	Smith J T	Wood F X
Cooke	Hapeman	Parker	Smith R H	Yale
Cotton	Hartman	Patton	Standart	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 60), entitled "An act to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the Legislature of 1904, proposing amendments to the Constitution of this State, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract" (Int. No. 60), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101  
NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooker	Perry	Stevens
Allen F E	Cox	Hooper	Plank	Tenjost
Allen J G	Cunningham	Hubbs	Platt	Thompson G F
Anderson	Dale	Kavanugh	Prince	Thonet
Apgar	Dodd	La Fetra	Quinn	Waddell
Bass	Dowling	La Rue	Reeve	Wade
Becker	Ellis	Lewis	Rigby	Wagner
Beebe	Evans	Maier	Rosenstein	Wainwright
Beihilf	Everett	Malloy	Santee	Wedemeyer
Bisland	Fish	McKeown	Schoeneck	West
Brady	Foelker	McManus	Shanahan	Wemple
Burnett	Foster	Merritt	Sheehy	Whitney G H
Burns	Freidel	Monroe	Sheldon	Wiegand
Byrne	Gates	Moreland	Shuttleworth	Wilsnack
Cadin	Grattan	Newton	Slocum	Wilson
Cahn	Gray	Nugent	Smith A P	Wolf
Callahan	Hackett	O'Neill	Smith J T	Wood F C
Caughlan	Hammond	Parker	Smith R H	Wood F X
Charles E E	Hanford	Patton	Standart	Yale
Cooke	Hastings	Pendry	Steele	Young
Cotton				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 62), entitled "An act making an appropriation for the payment of the principal and interest of public defence bonds issued pursuant to chapter 672 of the laws of 1898, and chapter 493 of the laws of 1891" (Int. No. 62), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112  
NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hornidge	Pendry	Smith J E
Allen F E	Dale	Hurd	Perham	Standart
Anderson	Donovan	Kavanaugh	Perry	Stanley
Apgar	Ellis	La Fetra	Plank	Stevens
Bass	Etsel	La Rue	Platt	Sullivan
Bedell	Everett	Lewis	Prentice	Tenjost



Beebe	Fish	Machacek	Prince	Thompson G F
Beihlf	Foelker	Maier	Reeve	Thompson J A
Bisland	Foster	Malloy	Reilly	Tompkins
Brady	Francisco	Matthews C R	Rogers	Wade
Burnett	Freidel	McKeown	Rosenstein	Wagner
Burns	Fuller	McManus	Salomon	Wainwright
Byrne	Gates	Mead	Sammon	Wedemeyer
Cadin	Grady	Merritt	Santee	Wemple
Callahan	Grattan	Monroe	Schoeneck	Whitney F G
Carrier	Gray	Moreland	Shanahan	Whitney G H
Caughlan	Gurnett	Murphy	Sheehy	Wilsnack
Charles E E	Hammond	Nugent	Sheldon	Wilson
Charles W B	Hanford	Ogden	Shuttleworth	Wood F C
Coon	Hapeman	O'Neill	Slocum	Wood F X
Cotton	Hartman	Palmer	Smith A P	Yale
Cowan	Hastings	Parker	Smith A E	Young
Cox	Hooper			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 34), entitled "An act to legalize the acts of James C. Sheldon, a notary public" (Int. No. 34), having been announced for a third reading.

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

On motion of Mr. Phillips the House adjourned.

## MONDAY, JANUARY 23, 1905.

The House met pursuant to adjournment.

Prayer by Rev. John J. Lawrence.

On motion of Mr. Rogers, the reading of the journal of Friday, January 20, 1905, was dispensed with and the same was approved.

The privileges of the floor were extended to Hon. B. A. Babcock, a former member.

Mr. Platt introduced a bill entitled "An act in relation to the sale of proprietary medicines" (Int. No. 159), which was read the first time and referred to the committee on public health.

Mr. Bisland introduced a bill entitled "An act to amend the Code of Civil Procedure, in relation to the appointment and compensation of stenographers in surrogates' courts in certain

counties" (Int. No. 186), which was read the first time and referred to the committee on codes.

Mr. Hartman introduced a bill entitled "An act to amend the Greater New York charter, in relation to the general school fund" (Int. No. 187), which was read the first time and referred to the committee on affairs of cities.

Mr. Hornidge introduced a bill entitled "An act to authorize the board of estimate and apportionment of the city of New York to appropriate money for the New York city reformatory of misdemeanants and the board of parole of said reformatory" (Int. No. 188), which was read the first time and referred to the committee on affairs of cities.

Mr. McManus introduced a bill entitled "An act to provide for the treatment of persons, residents of the city of New York, male and female, in the city of New York, who are habitually intoxicated or who are found guilty of intoxication or who become incompetent or dangerous from the use of alcoholic stimulants, opiates, narcotics or drugs of any description" (Int. No. 189), which was read the first time and referred to the committee on affairs of cities.

Mr. Perry introduced a bill entitled "An act to amend the tenement house act, relative to bake rooms and fat boiling" (Int. No. 190), which was read the first time and referred to the committee on affairs of cities.

Mr. Steele introduced a bill entitled "An act to legalize the official acts of Benjamin E. Western, a justice of the peace of the town of Norway, county of Herkimer" (Int. No. 191), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Highway Law, relative to payment for work on private roads in towns adopting the money system of taxation" (Int. No. 192), which was read the first time and referred to the committee on internal affairs.

Mr. Riley introduced a bill entitled "An act to provide for the acquisition of certain real estate and wharf property in the borough of Brooklyn for playground and recreative purposes" (Int. No. 193), which was read the first time and referred to the committee on affairs of cities.

Mr. G. H. Whitney introduced a bill entitled "An act to amend chapter 106 of the Laws of 1891, entitled "An act to revise, con-

solidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to tax propositions at village elections" (Int. No. 194), which was read the first time and referred to the committee on affairs of villages.

Mr. Freidel introduced a bill entitled "An act to amend the Penal Code in relation to public traffic" (Int. No. 195), which was read the first time and referred to the committee on codes.

Mr. Kavanaugh introduced a bill entitled "An act to amend the Real Property Law, in relation to the husband's interest in real property of a wife dying intestate" (Int. No. 196), which was read the first time and referred to the committee on the judiciary.

Mr. Patton introduced a bill entitled "An act to amend chapter 30 of the Laws of 1904, entitled 'An act providing for the planting of shade trees in the village of Kenmore, county of Erie,' by authorizing a petition of property holders on a portion of a street" (Int. No. 197), which was read the first time and referred to the committee on affairs of villages.

Mr. Rogers introduced a bill entitled "An act making appropriations for the State charitable institutions the New York State School for the Blind and the Elmira Reformatory" (Int. No. 198), which was read the first time and referred to the committee on ways and means.

Mr. Standart introduced a bill entitled "An act to amend the Tax Law in relation to the taxation of special franchises" (Int. No. 199), which was read the first time and referred to the committee on taxation and retrenchment.

Also, a bill entitled "An act to create and establish a department of forestry for the planting, transplanting and removal of trees and for caring of same in the city of Buffalo" (Int. No. 200), which was read the first time and referred to the committee on affairs of cities.

Mr. Carrier introduced a bill entitled "An act to amend the Penal Code, in relation to the publication or sale of certain publications" (Int. No. 201), which was read the first time and referred to the committee on codes.

Mr. W. B. Charles introduced a bill entitled "An act to legalize the bonds issued by the school district of the city of Amsterdam amounting to the sum of \$106,600 for the purpose of defraying

the expense of acquiring sites and erecting new school buildings in said district and to provide for the payment of the principal and interest of said bonds " (Int. No. 202), which was read the first time and referred to the committee on public education.

A communication from Warren B. Hooker was received and read, in the words following:

NEW YORK, Jan. 23, 1905.

HON. S. FRED NIXON, *Speaker of the Assembly, Albany, N. Y.*:

SIR.—About one year ago the Jamestown Bar Association sent a communication to the State Bar Association, which while distinctly stating that no charges against my conduct were intended to be made, contained intimations which impelled the State Bar Association to refer the whole matter to its general committee on grievances. That committee appointed a sub-committee, which after several sessions at which evidence was presented, reported to the general committee such evidence and its findings, with a recommendation that the matter be referred to the Legislature. Its finding but not the recommendation were approved by the general committee, and the whole matter was referred to the State Bar Association.

A copy of the report and of the evidence is herewith submitted to you.

At the recent meeting of the State Bar Association held in Albany, one resolution was adopted approving the report of the general committee, and another, to the effect that the facts embodied in the report were not of a character to warrant legislative investigation.

Notwithstanding such action by the State Bar Association, a number of prominent lawyers and a portion of the public press have insisted that legislative investigation should be had. These demands must have impressed the public. Therefore I respectfully but earnestly urge as due to the public, my office, and myself that my conduct be made the subject of legislative inquiry.

Respectfully yours,

WARREN B. HOOKER.

On motion of Mr. Rogers, said communication, together with the accompanying document, was referred to the committee on the judiciary.

The bill (No. 34) entitled "An act to legalize the acts of James C. Sheldon, a notary public" (Int. No. 34), was read the third time, having been printed and upon the desks of the members in

its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 106

NOES 1

Those who voted in the affirmative were:

Agnew	Dale	La Rue	Ferry	Standart
Allen F E	Dodd	Lewis	Plank	Stanley
Allen J G	Donovan	Machacek	Platt	Steele
Anderson	Ellis	Malloy	Prentice	Stevens
Apgar	Etzel	Mathews T F	Prince	Tenjost
Becker	Everett	Matthews C R	Quinn	Thompson G F
Bedell	Foelker	McKeown	Reilly	Thonet
Beihlf	Francisco	McManus	Rigby	Tompkins
Bird	Fuller	Merritt	Rogers	Waddell
Bisland	Gates	Miller	Rosenstein	Wagner
Brooks	Grady	Monroe	Sammon	Wadsworth
Burnett	Gray	Moreland	Santee	Wedemeyer
Burzynski	Hackett	Murphy	Scovill	West
Byrne	Hanford	Newton	Shanahan	Whitney F G
Cahn	Hapeman	Nugent	Sheehy	Whitney G H
Callahan	Hastings	Ogden	Sherry	Wilsnack
Caughlan	Hooker	O'Neill	Shuttleworth	Wilson
Charles E E	Hornidge	Parker	Smith A P	Wood F C
Cooke	Hurd	Patton	Smith A E	Wood F X
Cotton	Knapp	Pendry	Smith J E	Yale
Coutant	La Fetra	Perham	Smith J T	Young
Cox				

In the negative:

Palmer

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be and hereby is authorized and directed to purchase such copies of the latest edition of the statutes as may be required for the use of the committees on general laws and villages, at an expense not to exceed \$100 to be paid for out of the contingent fund of the House on the certificate of said Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a



majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hanford	O'Neill	Smith J E
Allen F E	Coutant	Hapeman	Palmer	Smith R H
Allen J G	Cowan	Hastings	Patton	Stanley
Anderson	Cox	Hooper	Pendry	Steele
Apgar	Dale	Hornidge	Perham	Sullivan
Bass	Donovan	Hubbs	Phillips	Tenjost
Becker	Dowling	Hurd	Plank	Thompson J A
Bedell	Etzel	Kavanaugh	Platt	Thonet
Beebe	Evans	La Fetra	Prentice	Waddell
Beihlf	Everett	La Rue	Prince	Wade
Bisland	Fish	Lewis	Quinn	Wagner
Brady	Fitzsimons	Machacek	Reeve	Wadsworth
Brooks	Foelker	Maier	Rigby	Wainwright
Burnett	Foster	Mathews T F	Rosenstein	West
Burzyski	Freidel	McKeown	Sammon	Wemple
Byrne	Fuller	McManus	Santee	Whitney F G
Cahn	Gardner	Mead	Schoeneck	Wiegand
Cadin	Gates	Merritt	Shanahan	Wilsnack
Callahan	Grady	Miller	Sheehy	Wolf
Coutant	Grattan	Moreland	Sheldon	Wood F C
Charles E E	Gurnett	Murphy	Shuttleworth	Wood F X
Charles W B	Hackett	Newton	Slocum	Yale
Cooke	Hammond	Nugent	Smith A P	Young

Mr. Platt offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on Soldiers and Sailors' Home be and they are hereby authorized and directed to visit the Soldiers and Sailors' Home at Bath and the Women's Relief Corps Home at Oxford, N. Y., for the purpose of investigating the conditions and wants of each of the said institutions and to make such recommendations to the Legislature relative thereto as in their judgment may be deemed for the interests of the State; and therefore, be it

Resolved, That the sum of \$900 or so much thereof as may be necessary, be and the same hereby is appropriated to meet the expenses thereof, to be paid out of the contingent fund of the Legislature.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 106

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hubbs	Pendry	Steele
Allen F E	Cunningham	Kavanagh	Perry	Sullivan
Allen J G	Dale	Knapp	Plank	Tenjost
Anderson	Donovan	La Rue	Platt	Thompson G F
Apgar	Dowling	Leggett	Prentice	Thompson J A
Bass	Etzel	Machacek	Prince	Thonet
Becker	Evans	Malloy	Reeve	Tompkins.
Beebe	Fish	Mathews T F	Rigby	Waddell
Beihlf	Foelker	Matthews C R	Rogers	Wade
Bird	Foster	McKeown	Salomon	Wagner
Bisland	Freidel	McManus	Sammon	Wainwright
Brooks	Fuller	Mead	Scovill	Wedemeyer
Burnett	Gardner	Merritt	Shanahan	Wemple
Burzynski	Grady	Mouroe	Sheldon	Whitney F G
Byrne	Gray	Moreland	Sherry	Wiegand
Cahn	Gurnett	Murphy	Shuttleworth	Wilsnack
Callahan	Hammond	Nugent	Smith A P	Wilson
Carrier	Hapeman	Ogden	Smith A E	Wood F C
Charles E E	Hastings	O'Neill	Smith J T	Wood F X
Cooke	Hooker	Palmer	Smith R H	Yale
Coon	Hornidge	Patton	Stanley	Young
Contaut				

Mr. Hammond offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be and hereby is authorized and directed to purchase such copies of the latest edition of the statutes, codes, indexes and books of reference as may be required for the use of the committee on revision at an expense not to exceed the sum of \$100, to be paid for out of the contingent fund of the House upon the certificate of said Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hapeman	Murphy	Shuttleworth
Allen F E	Coutant	Hastings	Newton	Smith A P
Allen J G	Cowan	Hooker	Nugent	Smith A E
Anderson	Cox	Hooper	O'Neill	Smith J T
Apgar	Dale	Hornidge	Palmer	Standart
Bass	Dodd	Hubbs	Parker	Steele
Becker	Donovan	Hurd	Patton	Stevens
Bedell	Ellis	Kavanaugh	Perham	Tenjost

Beebe	Etzel	Knapp	Perry	Thompson J A
Beihliff	Evans	La Fetra	Phillips	Thonet
Bird	Everett	La Rue	Platt	Tompkins
Bisland	Fish	Leggett	Pratt	Waddell
Brooks	Fitzsimons	Lewis	Prentice	Wagner
Burnett	Foelker	Machacek	Quinn	Wadsworth
Burns	Foster	Maier	Reeve	Wedemeyer
Burzynski	Freidel	Malloy	Reilly	Wemple
Cadin	Fuller	Mathews T F	Rigby	Whitney F G
Cahn	Gardner	Matthews C R	Rosenstein	Wiegand
Carrier	Gates	McKeown	Sammon	Wilsnack
Caughlan	Grattan	McManus	Santee	Wolf
Charles E E	Gray	Mead	Schoeneck	Wood F C
Charles W B	Gurnett	Merritt	Shanahan	Wood F X
Cooke	Hammond	Miller	Sheehy	Yale
Coon	Hanford	Moreland	Sherry	Young

On motion of Mr. Rogers, the House adjourned.

## TUESDAY, JANUARY 24, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Charles W. Heisler.

On motion of Mr. Rogers, the reading of the journal was dispensed with and the same was approved.

Leave of absence was granted to Mr. Merritt until Thursday the 26th inst.

Mr. Speaker presented the annual report of the Superintendent of Public Buildings, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the Brooklyn Society for the Prevention of Cruelty to Children, which was laid upon the table and ordered printed.

(See Document.)

Mr. Agnew introduced a bill entitled "An act to constitute a water supply commission for the State of New York, and making an appropriation therefor" (Int. No. 203), which was read the first time and referred to the committee on ways and means.

Mr. Callahan introduced a bill entitled "An act to amend the Transportation Corporations Law in respect to water works corporations" (Int. No. 204), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. W. B. Charles introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the claim of James Chamberlain against the State for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No. 205), which was read the first time and referred to the committee on claims.

Mr. Cox introduced a bill entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to filling vacancies in office of mayor" (Int. No. 206), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of completing the abatement of all nuisance in the Main and Hamburg, Ohio Basin and Clark and Skinner canals" (Int. No. 207), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Penal Code, in relation to the abandonment of children" (Int. No. 208), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend chapter 188 of the Laws of 1862, entitled 'An act to incorporate the New York State Convention of Universalists,' relative to the power to sell and convey real estate" (Int. No. 209), which was read the first time and referred to the committee on charitable and religious societies.

Mr. Hammond introduced a bill entitled "An act to amend the Real Property Law relative to the postponement or subordination of liens upon real property" (Int. No. 210), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Code of Criminal Procedure in relation to return by magistrate of statement to district attorney in certain counties" (Int. No. 211), which was read the first time and referred to the committee on codes.

Mr. Pendry introduced a bill entitled "An act regulating the sanitary condition of bathing establishments, and amending section 212 of chapter 25 of the General Public Health Laws, as amended by the Laws of 1893; being renumbered by the Laws of 1900, chapter 667; number of section being originally 202"

(Int. No. 212), which was read the first time and referred to the committee on public health.

Also, a bill entitled "An act to amend the Railroad Law, in relation to the protection of street railroad employees in Manhattan and Brooklyn" (Int. No. 213), which was read the first time and referred to the committee on railroads.

Mr. Pratt introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James W. Watts against the State of New York, for damages alleged to have been sustained by him and to render judgment therefor" (Int. No. 214), which was read the first time and referred to the committee on claims.

Mr. A. E. Smith introduced a bill entitled "An act to provide for the payment of the claim of M. A. Dimond, executrix of the estate of John Dimond, deceased, for labor and materials furnished for grammar school No. 76 in the Nineteenth ward of the city of New York" (Int. No. 215), which was read the first time and referred to the committee on claims.

Mr. Standart introduced a bill entitled "An act to amend chapter 353 of the Laws of 1892, entitled 'An act to further amend chapter 345 of the Laws of 1888,' in relation to the grade crossings in the city of Buffalo, and to give further powers to the grade crossing commission of said city" (Int. No. 216), which was read the first time and referred to the committee on railroads.

Mr. Wilsnack introduced a bill entitled "An act to amend chapter 627 of the Laws of 1904, entitled 'An act to amend the Greater New York charter, relative to the classification and instruction of criminals and misdemeanants,' in relation to the time of taking effect of such act in the borough of Queens" (Int. No. 217), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Railroad Law, relative to street railroad transfers in the counties of Kings and Queens" (Int. No. 218), which was read the first time and referred to the committee on railroads.

Mr. Young introduced a bill entitled "An act to amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over one million inhabitants,' providing for the reorganization of the board of rapid transit rail-



road commissioners" (Int. No. 219), which was read the first time and referred to the committee on affairs of cities.

Mr. Evans introduced a bill entitled "An act to amend the Village Law, relative to crosswalks and sidewalks" (Int. No. 220), which was read the first time and referred to the committee on affairs of villages.

By unanimous consent,

Mr. Moreland introduced a bill entitled "An act to provide for the building of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof" (Int. No. 221), which was read the first time.

On motion of Mr. Moreland and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on affairs of cities.

The Senate sent for concurrence the following entitled bill:

"An act to amend chapter 45 of the Laws of 1900, entitled 'An act to extend the time within which the Buffalo, Garden-ville and Ebenezer Railway shall finish its road and put it in operation beyond its present construction and operation,' in relation to the time limitation" (No. 19, Rec. No. 2), which was read the first time and referred to the committee on railroads.

Mr. Cotton, from the committee on military affairs, to which was referred the bill introduced by Mr. Platt (Int. No. 33), entitled "An act amending section 41 of chapter 227 of the Laws of 1893, authorizing the trustees of the New York State Soldiers and Sailors' Home at Bath, to organize and maintain a band and to pay for the same out of the maintenance funds of the home" (No. 33), reported in favor of the passage of the same without amendment. which report was agreed to and said bill placed on the order of second reading.

On motion of Mr. Rogers, the House adjourned.

## WEDNESDAY, JANUARY 25, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. J. G. Allen introduced a bill entitled "An act to amend the County Law, relative to the power of boards of supervisors to tax dogs" (Int. No. 222), which was read the first time and referred to the committee on internal affairs.

Mr. Beebe (by request) introduced a bill entitled "An act to regulate the taking of ducks, geese, brant and swan in the county of Monroe, and to amend chapter 20 of the Laws of 1900, entitled 'An act for the protection of the forest, fish and game of the State, constituting chapter 31 of the general laws,' by adding a section to be known as section 20-b" (Int. No. 223), which was read the first time and referred to the committee on fisheries and game.

Mr. Brooks introduced a bill entitled "An act to confer on the Court of Claims jurisdiction to hear, audit and determine the claims of the personal representatives of William J. Smith for damages resulting from the death of said William J. Smith by the negligence of the State of New York through its servants and employees" (Int. No. 224), which was read the first time and referred to the committee on claims.

Mr. Burnett introduced a bill entitled "An act to appropriate money for the repair, improvement and enlargement of the State armory at Geneva, N. Y., and for the acquisition of additional land adjoining said armory" (Int. No. 225), which was read the first time and referred to the committee on ways and means.

Mr. Dowling introduced a bill entitled "An act to amend the Greater New York charter, relative to the department of correction" (Int. No. 226), which was read the first time and referred to the committee on affairs of cities.

Mr. Friedel introduced a bill entitled "An act to amend the Liquor Tax Law, relative to publication of decisions of the courts" (Int. No. 227), which was read the first time and referred to the committee on excise.

Mr. Gates introduced a bill entitled "An act to amend the County Law, in relation to the power of the board of supervisors of any county to sell, assign, transfer or set over a judgment obtained in the Court of Claims by such county against the State of New York" (Int. No. 228), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to authorize the treasurer of the city of Utica to appoint and at pleasure remove a secretary, fixing his salary and the security to be given by him" (Int. No. 229), which was read the first time and referred to the committee on affairs of cities.

Mr. Hastings introduced a bill entitled "An act to legalize, and to provide for the payment of, bonds of Union free school district No. 5 of the town of Cornwall, in the county of Orange, directed to be issued for the payment of the cost of erecting a new schoolhouse in said district, and for the purchase of a new site for such schoolhouse" (Int. No. 230), which was read the first time and referred to the committee on public education.

Mr. La Fetra introduced a bill entitled "An act to enable the police commissioner of the city of New York to rehear and determine the charges against Charles E. Savage, formerly a patrolman of the police department of said city, and to reinstate him in said department" (Int. No. 231), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to enable the board of police commissioners of the city of New York, to rehear and determine the charges against William H. Duggan, formerly a patrolman of the police department of said city, and to reinstate him in said department" (Int. No. 232), which was read the first time and referred to the committee on affairs of cities.

Mr. Merritt introduced a bill entitled "An act authorizing the town board of the town of Canton, county of St. Lawrence, to divide such town into election districts" (Int. No. 233), which was read the first time and referred to the committee on internal affairs.

Mr. Palmer introduced a bill entitled "An act to repeal chapter 536 of the Laws of 1904, entitled 'An act to provide for the publication and distribution of a compilation of the Highway Laws, without expense to the State'" (Int. No. 234), which was

read the first time and referred to the committee on internal affairs.

Mr. Perham introduced a bill entitled "An act relative to the city court of the city of New York" (Int. No. 235), which was read the first time and referred to the committee on affairs of cities.

Mr. Phillips introduced a bill entitled "An act to amend the Code of Civil Procedure, relative to the cases in which an action in divorce may be maintained" (Int. No. 236), which was read the first time and referred to the committee on codes.

Mr. Rigby introduced a bill entitled "An act to amend subdivision 3 of section 2481 of the Code of Civil Procedure, relative to incidental powers of a surrogate" (Int. No. 237), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend the General Corporations Law, in relation to mining and oil corporations" (Int. No. 238), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1, 1906, and for which no provision has been made in the sinking fund" (Int. No. 239), which was read the first time and referred to the committee on affairs of cities.

Mr. R. H. Smith introduced a bill entitled "An act to amend section 3228 of the Code of Civil Procedure relative to the allowance of costs" (Int. No. 240), which was read the first time and referred to the committee on codes.

Mr. Wade introduced a bill entitled "An act to amend the Tax Law, in relation to the time of making assessment" (Int. No. 241), which was read the first time and referred to the committee on taxation and retrenchment.

Also, a bill entitled "An act to amend the Town Law, in relation to fees of supervisors" (Int. No. 242), which was read the first time and referred to the committee on internal affairs.

Mr. Wadsworth introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to set lines in Hemlock lake" (Int. No. 243), which was read the first time and referred to the committee on fisheries and game.



Mr. Wilson introduced a bill entitled "An act to amend the Religious Corporations Law, relative to the removal of remains from cemeteries and church grounds" (Int. No. 244), which was read the first time and referred to the committee on charitable and religious societies.

Mr. Wolf introduced a bill entitled "An act to provide for the payment of the claim of the Eastern Bermudez Asphalt Paving Company against the city of New York, for pavement and other work in connection therewith in the borough of Brooklyn" (Int. No. 245), which was read the first time and referred to the committee on affairs of cities.

Mr. Moreland introduced a bill entitled "An act to confer jurisdiction on the Court of Claims to hear, audit and determine the alleged claim of Michael C. Murphy against the State for damages alleged to have been sustained by him and to render judgment therefor" (Int. No. 246), which was read the first time and referred to the committee on claims.

Mr. F. C. Wood introduced a bill entitled "An act providing **for the improvement** of the outlet of the seventh lake of the Fulton chain of lakes in the town of Inlet, Hamilton county, and making an appropriation therefor" (Int. No. 247), which was read the first time and referred to the committee on ways and means.

Mr. Gardner introduced a bill entitled "An act to amend the Penal Code, relative to larceny of domestic fowl or poultry" (Int. No. 248), which was read the first time and referred to the committee on codes.

Mr. Wade introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to the meshes of nets used in Lake Erie" (Int. No. 249), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend chapter 480 of the Laws of 1894, entitled 'An act in relation to the village of Fredonia,' in relation to the collector" (Int. No. 250), which was read the first time and referred to the committee on affairs of villages.

Mr. Sheehy introduced a bill entitled "An act to amend the Greater New York charter relative to the department of docks



and ferries" (Int. No. 251), which was read the first time and referred to the committee on affairs of cities.

Mr. Hurd introduced a bill entitled "An act for the preservation of 'Andre's prison' at Tappan, and making an appropriation therefor" (Int. No. 252), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to make the office of sheriff of Rockland county a salaried office, and providing for the administration of such office" (Int. No. 253), which was read the first time and referred to the committee on internal affairs.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter 108 of the Laws of 1904, entitled 'An act to provide for the construction of an extension of the building in the Central Park, in the city of New York, occupied by the Metropolitan Museum of Art.'" (No. 104, Rec. No. 1), which was read the first time and referred to the committee on affairs of cities.

"An act to legalize bonds of the village of Goshen, Orange county, New York, to be issued for the purpose of enlarging, increasing, extending, improving, maintaining and purifying the water supply of said village and in purchasing and laying new and improved water mains and to legalize all proceedings in relation thereto including the resolution submitted by the board of trustees of said village to its qualified electors at the annual election held in said village on the 18th day of March, 1902, and to provide for the payment of said bonds" (No. 1, Rec. No. 3), which was read the first time.

On motion of Mr. Apgar, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Apgar, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Charles W B	Hamond	Newton	Slocum
Allen F E	Cooke	Hanford	Nugent	Smith A E
Allen J G	Coon	Hartman	O'Neill	Smith J E
Anderson	Cotton	Hastings	Palmer	Smith R H
Apgar	Cowan	Hooper	Parker	Standart
Bass	Cox	Hornidge	Pendry	Steele
Becker	Cunningham	Hurd	Perham	Sullivan
Bedell	Dodd	Kavanaugh	Phillips	Tenjost
Beebe	Donovan	Knapp	Plank	Thompson G F
Beihlf	Ellis	La Fetra	Platt	Thonet
Bird	Etzel	Leggett	Prentice	Waddell
Bisland	Everett	Lewis	Prince	Wade
Brady	Fitzsimons	Maier	Reeve	Wagner
Brooks	Foelker	Mathews T F	Rigby	Wainwright
Burnett	Francisco	Matthews C R	Rogers	West
Burns	Freidel	McKeown	Salomon	Whitney F G
Byrne	Gardner	McManus	Sammon	Whitney G H
Cadin	Gates	Mead	Schoeneck	Wilsnack
Cahn	Grady	Merritt	Scovill	Wolf
Callahan	Grattan	Miller	Shanahan	Wood F X
Carrier	Gray	Monroe	Sheldon	Yale
Charles E E	Hackett	Murphy	Shuttleworth	Young

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Cowan, Int. No. 172, entitled "An act to amend chapter 141 of the Laws of 1904, entitled 'An act to authorize the town board of the town of Hancock, Delaware county, to issue bonds of such town to provide for the construction of an iron bridge over the Beaverville river therein,' in relation to the time of payment of such bonds" (No. 172), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Thonet, Int. No. 67, entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of the clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of copyists or recording clerks of current records" (No. 67), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Steele, Int. No. 23, entitled "An act to legalize and confirm the organization and existence of Union free school district No. 1, of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district" (No. 146), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Parker, Int. No. 106, entitled "An act to legalize, ratify and confirm the elections held, by the voters of Union free school district No. 7, of the town of Granville, Washington county, New York, on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds" (No. 106), retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of third reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Hanford, Int. No. 165, entitled "An act to amend the Forest, Fish and Game Law, in relation to close season for woodcock and grouse in the county of Tioga" (No. 165), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond from the committee on revision, to which was referred the bill (No. 106), entitled "An act to legalize, ratify and confirm the elections held, by the voters of Union free school district number seven of the town of Granville, Washington

county, New York, on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds" (Int. No. 106), reported the same without recommendations, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill, Int. No. 33, entitled "An act amending section 41 of chapter 227 of the Laws of 1893, authorizing the trustees of the New York State Soldiers and Sailors' Home at Bath, to organize and maintain a band and to pay for the same out of the maintenance funds of the home" (No. 33), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the public buildings law, relative to authorizing the trustees of the soldiers' and sailors' home at Bath, to organize and maintain a band and to pay the same out of the maintenance funds of the home."

Page 1, line 2, after the word "ninety-three" insert the words "entitled 'An act relating to public buildings, constituting chapter 14 of the general laws.'"

FRED W. HAMMOND.

*Chairman.*

Which report was agreed to, and said bill ordered reprinted and engrossed for a third reading.

The bill (No. 33) entitled "An act amending section 41 of chapter 227 of the Laws of 1893, authorizing the trustees of the New York State Soldiers and Sailors' Home at Bath, to organize and maintain a band and to pay for the same out of the maintenance funds of the home" (Int. No. 33), was read the second time.

On motion of Mr. Platt, said bill was placed on the order of third reading and referred to the committee on revision.



Mr. Wade offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be and hereby is authorized and directed to purchase such copies of the latest edition of the statutes as may be required for the use of the committees on taxation and retrenchment and internal affairs at an expense not to exceed \$100, to be paid for out of the contingent fund of the House on the certificate of said Clerk.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Charles E E	Gurnett	Nugent	Smith J E
Allen F E	Charles W B	Hackett	O'Neill	Smith R H
Allen J G	Cooke	Hanford	Parker	Standart
Anderson	Coon	Hartman	Patton	Steele
Apgar	Coutant	Hooker	Perham	Sullivan
Bass	Cowan	Hornidge	Phillips	Tenjost
Becker	Cunningham	Hurd	Plank	Thompson J N
Bedell	Dale	Knapp	Pratt	Thonet
Beebe	Dodd	La Rue	Prince	Waddell
Beihilf	Donovan	Lewis	Reeve	Wagner
Bird	Ellis	Maier	Reilly	Wainwright
Bisland	Etzel	Malloy	Rosenstein	Wedemeyer
Brady	Everett	Matthews C R	Salomon	West
Brooks	Fitzsimons	McKeown	Santee	Whitney F G
Burns	Foelker	McManus	Shanahan	Wiegand
Burzynski	Francisco	Mead	Sheehy	Wilsnack
Byrne	Freidel	Miller	Sherry	Wolf
Cadin	Gates	Monroe	Shuttleworth	Wood F C
Cahn	Grady	Murphy	Smith N P	Yale
Carrier	Grattan	Newton	Smith A E	Young
Caughlan				

On motion of Mr. Rogers. the House adjourned.

THURSDAY, JANUARY 26, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Edgar H. Brown.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. J. E. Smith was excused until Monday next.



Mr. Apgar introduced a bill entitled "An act to repeal chapter 189 of the Laws of 1893, entitled 'An act to provide for the sanitary protection of the sources of the water supply of the city of New York,' so far as it affects the counties of Westchester and Putnam" (Int. No. 254), which was read the first time and referred to the committee on electricity, gas and water supply.

Also, a bill entitled "An act to amend the General Municipal Law in relation to the acquisition of water rights in Westchester and Putnam counties" (Int. No. 255), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Burnett introduced a bill entitled "An act to amend chapter 360 of the Laws of 1897, entitled 'An act to incorporate the city of Geneva,' generally" (Int. No. 256), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to empower the city of Geneva to borrow money for the payment of certain street improvements and expenses incurred in the extension of the sewer system of said city, and issue bonds therefor" (Int. No. 257), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Code of Civil Procedure in relation to the fees of constables and deputy sheriffs in Ontario county" (Int. No. 258), which was read the first time and referred to the committee on codes.

Mr. Burns introduced a bill entitled "An act to amend the Civil Service Law by adding thereto one section, relative to retiring veterans and pensioning them, to be known as section 21-a" (Int. No. 259), which was read the first time and referred to the committee on the judiciary.

Mr. Donovan introduced a bill entitled "An act to amend chapter 512 of the Laws of 1892, entitled 'An act to amend chapter 461 of the Laws of 1885,' entitled 'An act regulating newspaper advertisements chargeable to the county of Rensselaer'" (Int. No. 260), which was read the first time and referred to the committee on internal affairs.

Mr. Dowling introduced a bill entitled "An act to amend section 1217 of the Code of Civil Procedure in relation to attachment and undertaking for restitution required in certain cases" (Int.

No. 261), which was read the first time and referred to the committee on codes.

Mr. Foster introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to muskallonge" (Int. No. 262), which was read the first time and referred to the committee on fisheries and game.

Mr. Gray introduced a bill entitled "An act to amend the Forest, Fish and Game Law relative to the close season for squirrels in Dutchess county" (Int. No. 263), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for trout in Dutchess county" (Int. No. 264), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law in relation to taking fish through the ice in the town of North East, Dutchess county" (Int. No. 265), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for grouse, woodcock and quail in Dutchess county" (Int. No. 266), which was read the first time and referred to the committee on fisheries and game.

Mr. La Fetra introduced a bill entitled "An act to amend chapter 376 of the Laws of 1896, entitled 'An act relating to Domestic Commerce Law, constituting chapter 34 of the general laws,' and the acts amendatory thereof, in relation to milk cans" (Int. No. 267), which was read the first time and referred to the committee on agriculture.

Also, a bill entitled "An act to amend the Greater New York charter relative to the department of water supply, gas and electricity" (Int. No. 268), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Malloy introduced a bill entitled "An act to repeal chapter 90 of the Laws of 1884, entitled 'An act regulating the pilotage of the port of New York'" (Int. No. 269), which was read the first time and referred to the committee on commerce and navigation.

Mr. Moreland introduced a bill entitled "An act to amend the Labor Law relating to hours of labor in bakeries and confectionery

establishments" (Int. No. 270), which was read the first time and referred to the committee on labor and industries.

Mr. Murphy introduced a bill entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which John W. Nelson, formerly a patrolman in the police department of said city, was dismissed from said department and to reinstate him in his former position" (Int. No. 271), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend section 3253 of the Code of Civil Procedure relative to additional allowances" (Int. No. 272), which was read the first time and referred to the committee on codes.

Mr. Rigby introduced a bill entitled "An act to amend chapter 342 of the Laws of 1902, entitled 'An act to make the office of supervisor in the county of Westchester a salaried office and to regulate the sessions of the board of supervisors in said county'" (Int. No. 273), which was read the first time and referred to the committee on internal affairs.

Mr. Rosenstein introduced a bill entitled "An act providing for the payment of interest on cash security deposited by employees with their employers" (Int. No. 274), which was read the first time and referred to the committee on general laws.

Mr. Steele introduced a bill entitled "An act to amend chapter 266 of the Laws of 1903, entitled 'An act to provide for the holding of town meetings and elections in counties of the state having a certain population,' relative to the conduct of such town meetings and elections, the terms of town officers and the compensation of the clerk of the boards of supervisors in such counties" (Int. No. 275), which was read the first time and referred to the committee on internal affairs.

Mr. Sullivan introduced a bill entitled "An act to regulate the price of illuminating gas in the borough of Queens, in the city of New York" (Int. No. 276), which was read the first time and referred to the committee on electricity, gas and water supply.

Also, a bill entitled "An act to amend the Transportation Corporations Law relating to the transmission of dispatches" (Int. No. 277), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Wade introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for squirrels, grouse, woodcock and quail in Chautauqua county" (Int. No. 278), which was read the first time and referred to the committee on fisheries and game.

Mr. Cowan introduced a bill entitled "An act to amend the Agricultural Law relative to the compensation to be paid to owners of cattle destroyed to prevent the spread of infectious or contagious disease" (Int. No. 279), which was read the first time and referred to the committee on agriculture.

Mr. Dodd introduced a bill entitled "An act to amend the Stock Corporations Law in relation to annual reports of corporations" (Int. No. 280), which was read the first time and referred to the committee on the judiciary.

Mr. Stevens introduced a bill entitled "An act to authorize the Bennington and Hoosick Valley Railway Company to supply light, heat and power to the village of Schaghticoke and the town of Schaghticoke and the inhabitants thereof, and to supply such light, heat and power to other municipalities and to acquire the necessary franchises for those purposes" (Int. No. 281), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Cowan introduced a bill entitled "An act to amend the Forest, Fish and Game Law relative to black bear" (Int. No. 282), which was read the first time and referred to the committee on fisheries and game.

By unanimous consent,

Mr. Perham introduced a concurrent resolution, entitled "Concurrent resolution of the Senate and Assembly, proposing an amendment to article 6 of the Constitution in relation to providing additional justices of the Supreme Court and judges of the Court of Appeals" (Int. No. 283), which was read the first time and referred to the committee on the judiciary.

By unanimous consent,

Also, a concurrent resolution entitled "Concurrent resolution of the Senate and Assembly, proposing an amendment to section 6 of article 6 of the Constitution, relating to the Supreme Court" (Int. No. 284), which was read the first time and referred to the committee on the judiciary.



By unanimous consent,

Mr. Wainwright introduced a bill entitled "An act relating to the equipment of the organized militia and to authorize the sale of certain equipment to the United States, and providing for the disposition of the proceeds of such sale" (Int. No. 285), which was read the first time.

On motion of Mr. Wainwright, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on military affairs.

Mr. Sheldon introduced a bill entitled "An act to amend the Poor Law in relation to the relief of Indians in case of epidemic" (Int. No. 291), which was read the first time and referred to the committee on public health.

Also, a bill entitled "An act to amend the Real Property Law in relation to filing discharge of mortgage in Cattaraugus county" (Int. No. 292), which was read the first time and referred to the committee on the judiciary.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Rogers, Int. No. 179, entitled "An act to provide for the compensation and expenses for the legislative session of 1905, of persons appointed to draft, examine and revise bills" (No. 180), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Rogers, Int. No. 160, entitled "An act making appropriations to the State Commissioner of Excise for the payment of refunds on surrender of liquor tax certificates, and for judgments" (No. 160), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Steele, Int. No. 144, entitled "An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special elec-



tion, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems" (No. 128), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Hooker, Int. No. 146, entitled "An act to amend chapter 195 of the Laws of 1884, entitled 'An act to amend chapter 140 of the Laws of 1853, entitled 'An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village' and the several acts amendatory thereof,' generally" (No. 175), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Phillips, Int. No. 185, entitled "An act to legalize the bonds of the village of Alfred, in the county of Allegany, to be issued for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village and to legalize all proceedings in relation thereto, including the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 17th day of September, 1901, and also the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 31st day of August, 1903, and to provide for the payment of said bonds" (No. 186), retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of third reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendation:

"An act to amend chapter 141 of the Laws of 1904, entitled 'An act to authorize the town board of the town of Hancock, Delaware county, to issue bonds of such town to provide for the construction of an iron bridge over the Beaverkill river therein,'

in relation to the time of payment of such bonds." (No. 172, Int. No. 172.)

"An act to legalize the bonds of the village of Alfred, in the county of Allegany, to be issued for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village and to legalize all proceedings in relation thereto, including the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 17th day of September, 1901, and also the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 31st day of August, 1903, and to provide for the payment of said bonds." (No. 186, Int. No. 185.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 165) entitled "An act to amend the Forest, Fish and Game Law in relation to close season for woodcock and grouse in the county of Tioga" (Int. No. 165), reported the same with the following recommendations:

Page 2, line 4, strike out the word "fifty" and insert the word "thirty."

Same page, line 10, insert a comma after the word "Sullivan."

Same page, line 12, insert a comma after the word "Westchester."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bill as correctly printed or engrossed:

"An act to legalize, ratify and confirm the elections held by the voters of union free school district No. 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board

of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds." (No. 106, Int. No. 106.)

Mr. Hooker offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on taxation and retrenchment be discharged from further consideration of Assembly bill No. 86, entitled "An act to amend the Tax Law relating to the taxation of all mortgages of real estate." (Int. No. 86.)

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Said bill having been announced for a second reading,

Mr. Hooker moved to amend as follows:

Page 2, add to schedule after line 3, the following:

"295. Distribution of tax."

Same page, add at the end of section 291, in line 24, the following:

"No such mortgage shall be hereafter discharged of record, unless such mortgage bears the proper stamps for the tax due thereon duly canceled by the proper officer. If any such tax is required to be paid by the mortgagor for the purpose of discharge, he may deduct from the final payment on such mortgage a sum sufficient to pay such tax."

Page 3, line 9, after the word "recorded" insert the following:

"If any portion of any mortgage recorded prior to such date shall have been paid, the mortgagee shall present to such recording officer a statement of the amount due upon such mortgage at such date. Such statement shall be verified by the mortgagee. No recovery shall be had in any court for any amount due on such mortgage, in excess of the amount stated to be due in such statement, plus the interest and the costs of the action for such recovery."

Page 5, line 4, strike out "May" and insert "June".

Same page, line 5, strike out "two" and insert "five".

Same page, insert a new section, to be known as section 295, and to read as follows:

"§ 295. Distribution of tax.—Upon the payment of the monies by the state comptroller to the supervisor of a town, the supervisor shall apportion the monies so received upon the following basis: If there is a village or a union free school district within such town, he shall ascertain the amount of tax raised by such village and union free school district, and add the amount thereof

to the total amount raised by tax upon the town, and shall pay to the treasurer of such village and to the treasurer of the union free school district such proportion of the total amount received from the comptroller, under the provisions of this act, as the amount raised by taxation in each such village or union free school district bears to the total amount raised by taxation in such town, village and union free school district. The amount of such taxes distributed to each such village and school district shall be appropriated and expended by such village or school district as may be provided by law for the ordinary expenses thereof."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

On motion of Mr. Hooker, said bill was ordered reprinted and recommitted to the committee on taxation and retrenchment.

The bill (No. 67) entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of the clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of copyists or recording clerks of current records" (Int. No. 67), having been announced for a second reading,

On motion of Mr. McKeown, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 172) entitled "An act to amend chapter 141 of the Laws of 1904, entitled 'An act to authorize the town board of the town of Hancock, Delaware county, to issue bonds of such town to provide for the construction of an iron bridge over the Beaverkill river therein,' in relation to the time of payment of such bonds" (Int. No. 172), was read the second time.

On motion of Mr. Cowan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 165) entitled "An act to amend the Forest, Fish and Game Law in relation to close season for woodcock and grouse in the county of Tioga" (Int. No. 165), was read the second time.

On motion of Mr. Hanford, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 146) entitled "An act to legalize and confirm the organization and existence of union free school district No. 1



of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district relative to the levy of a tax and the issuance and sale of certain bonds of said district" (Int. No. 23), was read the second time.

On motion of Mr. Steele, said bill was placed on the order of third reading.

On motion of Mr. Steele, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 108

NOES 00

Those who voted in the affirmative were:

Agnew	Charles E E	Hammond	Ogden	Smith J T
Allen F E	Charles W B	Hapeman	Palmer	Smith R H
Allen J G	Cooke	Hartman	Patton	Stanley
Apgar	Coon	Hooker	Pendry	Stevens
Bass	Coutant	Hooper	Perry	Sullivan
Becker	Cowan	Hornidge	Phillips	Thompson G F
Bedell	Cox	Hubbs	Platt	Thompson J N
Beebe	Dale	Kavanaugh	Pratt	Thonet
Beihliff	Donovan	Knapp	Prince	Tompkins
Bird	Dowling	La Rue	Reeve	Wade
Bisland	Ellis	Leggett	Reilly	Wadsworth
Brady	Evans	Machacek	Rogers	Wainwright
Brooks	Everett	Maier	Salomon	West
Burnett	Fitzsimons	Mathews T F	Sammon	Wemple
Burns	Foelker	Matthews C R	Santee	Whitney G H
Burzynski	Francisco	McKeown	Scovill	Wilsnack
Byrne	Freidel	Mead	Shanahan	Wilson
Cadin	Gardner	Merritt	Sheldon	Wood F C
Cahn	Gates	Monroe	Shuttleworth	Wood F X
Callahan	Grady	Moreland	Smith A P	Yale
Carrier	Grattan	Newton	Smith A E	Young
Cauglan	Gurnett	Nugent		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That there be printed during the current session of the Legislature, in addition to the number now fixed by law, 350



copies of each Assembly bill and 200 copies of each Senate bill for the use of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Agnew	Cooke	Gray	Murphy	Slocum
Allen F E	Coon	Gurnett	Newton	Smith A P
Allen J G	Cotton	Hackett	Nugent	Smith J E
Anderson	Coutant	Hammond	O'Neill	Smith J T
Apgar	Cowan	Hanford	Palmer	Standart
Bass	Cox	Hartman	Parker	Stanley
Becker	Cunningham	Hooker	Patton	Steele
Bedell	Dale	Hooper	Pendry	Sullivan
Beebe	Dodd	Hornidge	Perham	Tenjost
Beihlf	Donovan	Hubbs	Phillips	Thompson J A
Bird	Dowling	Kavanugh	Plank	Thonet
Bisland	Ellis	Knapp	Pratt	Waddell
Brady	Etzel	La Rue	Prentice	Wade
Brooks	Evans	Leggett	Quinn	Wadsworth
Burnett	Everett	Machacek	Reeve	Wedemeyer
Burns	Fish	Malloy	Reilly	West
Burzynski	Fitzsimons	Mathews T F	Rogers	Wemple
Ryrne	Foelker	Matthews C R	Rosenstein	Whitney G H
Cadin	Foster	McKeown	Sammon	Wiegand
Cahn	Francisco	McManus	Santee	Wilson
Callahan	Freidel	Mead	Schoeneck	Wolf
Carrier	Fuller	Merritt	Shanahan	Wood F C
Caughlan	Gardner	Miller	Sheldon	Wood F X
Charles E E	Gates	Monroe	Sherry	Yale
Charles W B	Grady	Moreland	Shuttleworth	Young

On motion of Mr. Rogers, the House adjourned.

FRIDAY, JANUARY 27, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the chair.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Burnett, the reading of the journal of yesterday was dispensed with and the same was approved.

The privileges of the floor were extended to D. P. Ma Loney and son, of New York.

Mr. Bedell introduced a bill entitled "An act to amend chapter 700 of the Laws of 1895, entitled 'An act to extend the time for the commencement of construction or completion of railroads other than street surface railroads,' in relation to the extension of time for such completion" (Int. No. 286), which was read the first time and referred to the committee on railroads.

Mr. Burnett introduced a bill entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof in relation to the office of treasurer, taxation and assessments" (Int. No. 287), which was read the first time and referred to the committee on affairs of villages.

Mr. Cahn introduced a bill entitled "An act to abolish imprisonment in all civil actions and proceedings in this State except as mentioned" (Int. No. 288), which was read the first time and referred to the committee on the judiciary.

Mr. Grattan introduced a bill entitled "An act to amend chapter 905 of the Laws of 1896, entitled 'An act to incorporate the city of Watervliet,' generally" (Int. No. 289), which was read the first time and referred to the committee on affairs of cities.

Mr. Mead introduced a bill entitled "An act providing for an addition to the site of the State Normal College at Albany, N. Y., and making an appropriation therefor" (Int. No. 290), which was read the first time and referred to the committee on ways and means.

Mr. Wainwright introduced a bill entitled "An act to amend the Forest, Fish and Game Law, relative to the close season" (Int. No. 293), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend section 15 of the Town Law, relating to highway commissioners" (Int. No. 294), which was read the first time and referred to the committee on internal affairs.

Also, a concurrent resolution entitled "Concurrent resolution of the Senate and Assembly proposing amendment to article 6 of the Constitution relating to Supreme Court judicial districts"

(Int. No. 295), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains Hospital Association of White Plains" (Int. No. 296), which was read the first time and referred to the committee on internal affairs.

Mr. Bisland introduced a bill entitled "An act to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating in Sullivan county, to acquire by purchase or condemnation, the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plank road or turnpike within said towns, and to provide means for the payment of the same" (Int. No. 297), which was read the first time and referred to the committee on internal affairs.

Mr. Apgar introduced a bill entitled "An act empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements" (Int. No. 298), which was read the first time and referred to the committee on internal affairs.

Mr. O'Neill introduced a bill entitled "An act making an appropriation for the relief and maintenance of the United States Volunteer Life Saving Corps of the State of New York (inland waters)" (Int. No. 299), which was read the first time and referred to the committee on ways and means.

Mr. Patton introduced a bill entitled "An act authorizing the village of Kenmore to levy a frontage tax for water purposes" (Int. No. 300), which was read the first time and referred to the committee on affairs of villages.

Mr. Phillips introduced a bill entitled "An act to amend chapter 8 of title 10 of the Penal Code, relative to the possession of lottery tickets" (Int. No. 301), which was read the first time and referred to the committee on codes.

Mr. Wilsnack introduced a bill entitled "An act to amend the Greater New York charter relative to employees of ferries" (Int. No. 302), which was read the first time and referred to the committee on affairs of cities.

Mr. Hornidge introduced a bill entitled "An act to release to Joseph S. Guthorn the right, title and interest of the people of the State of New York to certain real estate situate in the borough of Manhattan, city, county and State of New York" (Int. No. 303), which was read the first time and referred to the committee on the judiciary.

By unanimous consent,

Mr. Burnett introduced a bill entitled "An act to provide for an enumeration of the inhabitants of this State, and making an appropriation therefor" (Int. No. 304), which was read the first time and referred to the committee on ways and means.

Mr. Bedell, from the committee on railroads, to which was referred the Senate bill introduced by Mr. Davis (Rec. No. 2), entitled "An act to amend chapter 45 of the Laws of 1900, entitled 'An act to extend the time within which the Buffalo, Gardenville and Ebenezer railway shall finish its road and put it in operation beyond its present construction and operation,' in relation to the time limitation" (No. 19), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Apgar, from the committee on electricity, gas and water supply, to which was referred the bill introduced by Mr. W. B. Charles, Int. No. 38, entitled "An act to amend chapter 101 of the Laws of 1881, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter 181 of the Laws of 1875'" (No. 38), reported in favor of the passage of the same with the following amendments:

Page 3, line 3, after the word "been" insert the words "or may be."

JAS. K. APGAR,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend chapter 141 of the Laws of 1904, entitled 'An act to authorize the town board of the town of Hancock,

Delaware county, to issue bonds of such town to provide for the construction of an iron bridge over the Beaverkill river therein,' in relation to the time of payment of such bonds." (No 172, Int. No. 172.)

"An act to legalize the bonds of the village of Alfred, in the county of Allegany, to be issued for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village and to legalize all proceedings in relation thereto, including the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 17th day of September, 1901, and also the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 31st day of August, 1903, and to provide for the payment of said bonds." (No. 186, Int. No. 185.)

"An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district.' (No. 146, Int. No. 23.)

The bill (No. 175), entitled "An act to amend chapter 195 of the Laws of 1884, entitled 'An act to amend chapter 140 of the Laws of 1853, entitled "An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village" and the several acts amendatory thereof,' generally" (Int. No. 146), was read the second time.

On motion of Mr. Hooker, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 128), entitled "An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to im-



proving the village water and lighting systems " (Int. No. 144), was read the second time.

On motion of Mr. Steele, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 160) entitled "An act making appropriations to the State Commissioner of Excise for the payment of refunds on surrender of liquor tax certificates, and for judgments " (Int. No. 160), was read the second time.

On motion of Mr. Rogers said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 180) entitled "An act to provide for the compensation and expenses for the legislative session of 1905, of persons appointed to draft, examine and revise bills " (Int. No. 179), was read the second time.

On motion of Mr. Rogers, said bill was placed on the order of third reading and referred to the committee on revision.

On motion of Mr. Bennett, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hapeman	Parker	Smith J E
Allen F E	Cowan	Hartman	Patton	Smith J T
Allen J G	Cox	Hooker	Perham	Smith R H
Apgar	Cunningham	Hooper	Phillips	Standart
Bass	Dale	Hornidge	Plank	Stanley
Becker	Dodd	Hurd	Platt	Stevens
Bedell	Donovan	Kavanaugh	Pratt	Tenjost
Beebe	Dowling	La Fetra	Prince	Thompson G F
Beihilf	Etzel	La Rue	Quinn	Thonet
Brady	Evans	Lewis	Reeve	Tompkins
Brooks	Everett	Maier	Reilly	Wade
Burnett	Fitzsimons	Malloy	Rogers	Wadsworth
Burns	Foelker	Mathews T F	Rosenstein	Wedemeyer
Byrne	Foster	McKeown	Sammon	West
Cadin	Francisco	Mead	Santee	Whitney F G
Cahn	Freidel	Merritt	Scovill	Whitney G H
Callahan	Fuller	Monroe	Shanahan	Wilsnack

Carrier	Gates	Moreland	Sheldon	Wilson
Caughlan	Grady	Newton	Sherry	Wolf
Charles E E	Gray	Nugent	Shuttleworth	Wood F X
Charles W B	Gurnett	Ogden	Slocum	Yale
Cooke	Hackett	O'Neill	Smith A P	Young
Cotton	Hanford			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 106), entitled "An act to legalize, ratify and confirm the elections held, by the voters of Union free school district, No. 7, of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds " (Int. No. 106), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hastings	Parker	Smith J E
Allen F E	Coutant	Hooper	Patton	Smith J T
Allen J G	Cowan	Hornidge	Pendry	Standart
Anderson	Cunningham	Hubbs	Phillips	Steele
Apgar	Dodd	Kavanaugh	Platt	Tenjost
Becker	Donovan	La Fetra	Pratt	Thompson G F
Bedell	Ellis	La Rue	Prince	Thompson J A
Beihlf	Evans	Leggett	Quinn	Tompkins.
Bisland	Everett	Lewis	Reilly	Waddell
Brady	Fish	Maier	Rogers	Wade
Brooks	Foelker	Malloy	Rosenstein	Wadsworth
Burnett	Francisco	Mathews T F	Sammon	Wainwright
Burns	Freidel	McKeown	Santee	West
Burzynski	Fuller	McManus	Schoeneck	Wemple

Byrne	Gates	Mead	Sheehy	Whitney G H
Cadin	Grattan	Miller	Sheldon	Wiegand
Cahn	Gurnett	Monroe	Shuttleworth	Wolf
Carrier	Hackett	Murphy	Slocum	Wood F X
Caughlan	Hanford	Nugent	Smith A P	Yale
Charles W B	Hapeman	Ogden	Smith A E	Young
Cooke	Hartman	Palmer		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

On motion of Mr. Burnett, the House adjourned.

## MONDAY, JANUARY 30, 1905.

The House met pursuant to adjournment.

Prayer by Rev. F. J. Maguire.

On motion of Mr. Rogers, the reading of the Journal of Friday, January 27, was dispensed with and the same was approved.

Mr. Speaker presented the annual report of the New York Society for the Prevention of Cruelty to Children which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the Berkshire Industrial Farm, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the New York Juvenile Asylum, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the Superintendent of Public Works, which was laid upon the table and ordered printed.

(See Document.)

Also, the fourth annual report of the New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the New York State Museum Division of Science, which was laid upon the table and ordered printed.

(See Document.)

Mr. Reeve introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to the protection of land turtles and wild black bear" (Int. No. 305), which was read the first time and referred to the committee on fisheries and game.

Mr. Wadsworth introduced a bill entitled "An act to amend the Highway Law, in relation to working the highways" (Int. No. 306), which was read the first time and referred to the committee on internal affairs.

Mr. Cadin introduced a bill entitled "An act to amend chapter 507 of the Laws of 1901, relative to the printing of legislative bills" (Int. No. 307), which was read the first time and referred to the committee on public printing.

Mr. Burnett introduced a bill entitled "An act to amend chapter 598 of the Laws of 1892, entitled 'An act to provide for reporting the decisions of the inferior courts of record in the State of New York,' in relation to the allowance for assistance, clerk hire and office expenses in the miscellaneous reporter's department" (Int. No. 308), which was read the first time and referred to the committee on ways and means.

Mr. Steele introduced a bill entitled "An act declaring East Canada creek and its tributaries, in the counties of Herkimer and Fulton, a public highway, and providing means for the assessment and payment of damages to riparian owners thereon" (Int. No. 309), which was read the first time and referred to the committee on commerce and navigation.

Mr. Freidel introduced a bill entitled "An act to amend the Primary Election Law in relation to books of enrollment" (Int. No. 310), which was read the first time and referred to the committee on the judiciary.

Mr. A. P. Smith introduced a bill entitled "An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village" (Int. No. 311), which was read the first time and referred to the committee on affairs of villages.

Mr. Wade introduced a bill entitled "An act to amend section 1774 of the Code of Civil Procedure, relating to judgments in matrimonial actions" (Int. No. 312), which was read the first time and referred to the committee on codes.

Mr. Young introduced a bill entitled "An act to amend chapter 357 of the Laws of 1903, to provide for the payment of a salary to Frederick A. King, probation officer in the city magistrates' courts of the first division, of the city of New York " (Int. No. 313), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act providing that the police commissioner of the city of New York in his discretion may reappoint Patrick W. Vallely, an ex-policeman of the city of New York, who resigned from said police department August 2, 1887 " (Int. No. 314), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to authorize the comptroller of the city of New York and corporation counsel, on behalf of said city, to compromise, settle, and cancel, annul and discharge certain taxes, assessments, and water rates and interest thereon, levied upon the property owned by George J. Greenfield, Henry Greenfield and Elizabeth M. Greenfield, situated in the Twelfth ward of the city of New York, borough of Manhattan " (Int. No. 315), which was read the first time and referred to the committee on affairs of cities.

Mr. G. F. Thompson introduced a bill entitled "An act to amend section 3 of title 16 of chapter 556 of the Laws of 1894, as amended by chapter 459 of the Laws of 1903, in relation to the compulsory attendance of children between fourteen and sixteen years of age upon instruction " (Int. No. 316), which was read the first time and referred to the committee on public education.

Also, a bill entitled "An act to amend chapter 20 of the Laws of 1900, entitled 'An act for the protection of forests, fish and game of the State, constituting chapter 31 of the general laws,' in relation to close season for snipe and other birds in Genesee, Orleans and Niagara counties " (Int. No. 316), which was read the first time and referred to the committee on fisheries and game.

Mr. Wilsnack introduced a bill entitled "An act to amend chapter 667 of the Laws of 1868, entitled 'An act to enable Conrad Poppenhusen to found an institution in the village of College Point " (Int. No. 318), which was read the first time and referred to the committee on public education.



Also, a bill entitled "An act to amend chapter 538 of the Laws of 1904, entitled 'An act in relation to the registration and identification of motor vehicles and the use of the public highways by such vehicles'" (Int. No. 319), which was read the first time and referred to the committee on internal affairs.

Mr. Gates introduced a bill entitled "An act authorizing the city of Utica to borrow the sum of \$60,000 for the purpose of completing the changing of the channel of the Mohawk river between said city and the town of Deerfield in Oneida county, for the acquisition of lands therefor, the payment of damages incurred thereby and expenses connected therewith, and to issue bonds therefor and providing for the payment thereof" (Int. No. 320), which was read the first time and referred to the committee on affairs of cities.

The Senate sent for concurrence the following entitled bill:

"An act to legalize and validate certain acts of the electors of the town of Oswegatchie, St. Lawrence county, N. Y., the town officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town" (No. 48, Rec. No. 4), which was read the first time, and referred to the committee on internal affairs.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 160), entitled "An act making appropriations to the State Commissioner of Excise for the payment of refunds on surrender of liquor tax certificates, and for judgments" (Int. No. 160), reported the same without recommendations, which report was agreed to and said bill ordered engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 175), entitled "An act to amend chapter 195 of the Laws of 1884, entitled 'An act to amend chapter 140 of the Laws of 1853, entitled "An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village" and the several acts amendatory thereof,' generally" (Int. No. 146), reported the same with the following recommendations:

Page 2, line 5, insert a comma after the second word "time" and after the word "ordinance."

Same page, line 13, after the word "building" insert the words "within the limits prescribed."

Same page, line 19, insert a comma after the word "fifteen".

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 128), entitled "An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems" (Int. No. 144), reported the same with the following recommendations:

Page 2, line 23, strike out the word "affirmed" and insert the word "confirmed."

Page 4, between lines 5 and 6 insert the following:

"§ 4. Nothing in this act contained shall be so construed as to affect any action or proceeding pending in any court at the time this act takes effect."

Same page, line 6, strike out the figure "4" and insert the figure "5."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Public Buildings Law, relative to authorizing the trustees of the Soldiers and Sailors' Home at Bath, to organize and maintain a band and to pay for the same out of the maintenance funds of the Home." (No. 224, Int. No. 33.)

"An act to provide for the compensation and expenses for the legislative session of 1905, of persons appointed to draft, examine and revise bills." (No. 180, Int. No. 179.)

The bill (No. 67) entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of the clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of copyists or recording clerks of current records" (Int. No. 67), was read the second time.

On motion of Mr. Thonet, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 19) entitled "An act to amend chapter 45 of the Laws of 1900, entitled 'An act to extend the time within which The Buffalo, Gardenville and Ebenezer railway shall finish its road and put it in operation beyond its present construction and operation,' in relation to the time limitation" (Rec. No. 2), was read the second time.

On motion of Mr. Bedell, said bill was placed on the order of third reading.

The bill (No. 172) entitled "An act to amend chapter 141 of the Laws of 1904, entitled 'An act to authorize the town board of the town of Hancock, Delaware county, to issue bonds of such town to provide for the construction of an iron bridge over the Beaverkill river therein,' in relation to the time of payment of such bonds" (Int. No. 172), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hornidge	Perry	Standart
Allen F E	Dale	Hurd	Phillips	Stanley
Allen J G	Dodd	Kavanaugh	Plank	Steele
Apgar	Donovan	La Fetra	Platt	Stevens
Bass	Ellis	Leggett	Prentice	Tenjost
Bedell	Etzel	Lewis	Quinn	Thompson G F
Beebe	Fish	Maier	Reeve	Thonet
Bird	Fitzsimons	Malloy	Rigby	Tompkins
Bisland	Foelker	Mathews T F	Rosenstein	Waddell

Brady	Francisco	Matthews C R	Salomon	Wagner
Burnett	Freidel	McKeown	Sammon	Wadsworth
Burns	Fuller	McManus	Santee	Wedemeyer
Burzynski	Gardner	Mead	Schoeneck	West
Byrne	Gates	Miller	Shanahan	Whitney F G
Cahn	Grattan	Moreland	Sheehy	Whitney G H
Callahan	Gray	Murphy	Sheldon	Wilsnack
Carrier	Gurnett	Nugent	Shuttleworth	Wilson
Charles E E	Hackett	Ogden	Slocum	Wolf
Charles W B	Hanford	O'Neill	Smith A P	Wood F C
Coon	Hartman	Parker	Smith J E	Wood F X
Coutant	Hastings	Patton	Smith J T	Yale
Cowan	Hooper	Perham	Smith R H	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 186) entitled "An act to legalize the bonds of the village of Alfred, in the county of Allegany, to be issued for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village and to legalize all proceedings in relation thereto, including the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 17th day of September, 1901, and also the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 31st day of August, 1903, and to provide for the payment of said bonds" (Int. No. 185), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Lewis	Prentice	Steele
Allen F E	Dowling	Machacek	Prince	Stevens
Allen J G	Etzel	Malloy	Quinn	Sullivan
Anderson	Evans	Mathews T F	Reeve	Thompson G F
Bass	Fish	McKeown	Reilly	Thompson J A
Becker	Foelker	McManus	Rigby	Thonet
Bedell	Francisco	Merritt	Rogers	Waddell
Bird	Gardner	Monroe	Salamon	Wade
Brady	Grady	Moreland	Sammon	Wagner
Burnett	Gray	Newton	Santee	Wainwright

Burzynski	Gurnett	Nugent	Schoeneck	Wedemeyer
Byrne	Hammond	Ogden	Scovill	Wemple
Cadin	Hanford	O'Neill	Sheehy	Whitney F G
Cahn	Hartman	Parker	Sherry	Wiegand
Callahan	Hooker	Patton	Shuttleworth	Wilsnack
Caughlan	Hooper	Pendry	Slocum	Wilsou
Charles W B	Hubbs	Perry	Smith A P	Wolf
Coon	Kavanaugh	Phillips	Smith J T	Wood C F
Coutant	Knapp	Plank	Smith R H	Wood F X
Cox	La Rue	Pratt	Standart	Young
Dale				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Palmer offered for the consideration of the House a resolution, in the words following:

Whereas, It is now conceded that a large deficiency in the State treasury, variously estimated at from \$4,000,000 to \$6,000,000, exists, at the present time, between the State appropriations and the State revenues; and

Whereas, The construction of the proposed barge canal will neecessitate large additional revenues to be provided by some form of public taxation; and

Whereas, The burdens of direct local taxation, which are of necessity always the heaviest and greatest, are being more and more felt, as resources and revenues heretofore regarded as strictly local are subjected, or proposed to be subjected, to State and relieved of local taxation; and

Whereas, The Governor has affirmed that the appropriations for the next fiscal year can be met without imposing new special taxes, or a return to a direct tax levy for the running expenses of the State government, by the use and expediture of surplus moneys in the State treasury, resulting from taxation levied by previous State administrations; therefore be it

Resolved, That a joint committee of three Senators and four Assemblymen, of whom not more than four shall be of the same political party, be appointed to consider carefully, and report to the Legislature of 1906, the whole subject of taxation, tax laws, and tax policies, and especially whether the existing policy of so-called "indirect" State taxes should be continued, abandoned, or modified, in order to promote economy in public affairs, to prevent squandering or waste of surplus moneys which may accrue from public taxation, and to relieve localities of excessive and undue burdens,

Which was read and referred to the committee on ways and means.



Mr. La Fetra offered for the consideration of the House a resolution, in the words following:

Whereas, Charges have been made against the official conduct of Hon. Warren B. Hooker, a justice of the Supreme Court of the State of New York, and testimony has been taken by the State Bar Association as to certain acts, and the said Hon. Warren B. Hooker, has requested that the same be investigated, and has presented to this body the evidence thus taken; and

Whereas, The judiciary committee of the Assembly has duly considered said request, and the evidence accompanying the same, and believe that the evidence therein contained is such as to call for further action by the Assembly; it is

Resolved, That a special committee of the judiciary committee of the Assembly be and it hereby is authorized by the Assembly to investigate fully the acts, conduct and connection of said Hon. Warren B. Hooker, a justice of the Supreme Court of the State of New York in, about and concerning all matters and things in respect thereto. The said committee is hereby given full authority to prosecute this investigation in any and all directions necessary for a full and complete report to the Assembly as to the acts and conduct of said Hon. Warren B. Hooker, a justice of the Supreme Court of the State of New York, and it is further

Resolved, That said committee report, after said investigation, with all convenient speed to the Assembly such recommendations as, in its judgment, public interests require, and particularly as to whether articles of impeachment should be presented by the Assembly against said Hon. Warren B. Hooker, or a concurrent resolution should be proposed for his removal pursuant to Article VI, sections 11 and 13 of the Constitution of the State of New York, and as to what legislation may be necessary to be enacted in respect thereto; it is further

Resolved, That said committee be and it hereby is given full power and authority to send for, and compel the attendance of any and all persons, corporations, joint stock associations or public officials, and to compel the production of all books, papers and documents; also to employ a stenographer and such counsel as may be necessary for the accomplishment of said investigation. That the bar associations of the State of New York shall also be represented by counsel.

It is further empowered to hold its sessions in the city of Albany, county of Albany, State of New York, or elsewhere in the State, at such time and places as it shall deem necessary. The sergeant-at-arms of the Assembly, with such assistants as he may deem necessary, shall at all times attend such committee

and shall serve all papers and subpoenas issued by it, and shall perform any and all duties as sergeant-at-arms of said committee.

Which was read and referred to the committee on the judiciary.

Mr. Merritt offered for the consideration of the House a resolution, in the words following:

Whereas, The President of the United States in his annual message transmitted to the Senate and House of Representatives December 6, 1904, in discussing the subject of rebates recommends that "The Interstate Commerce Commission should be vested with the power, where a given rate (for the transportation of property in interstate or foreign commerce) has been challenged and, after full hearing, found to be unreasonable, to decide subject to judicial review, what shall be a reasonable rate to take its place; the ruling of the commission to take effect immediately, and to obtain unless and until it is reversed by the court of review." And

Whereas, The enactment of such legislation as will afford relief from unjust discrimination in tariff rates established by the railway corporations of the country, resulting in undue preference and advantage to certain localities and sections and certain descriptions of traffic, and consequent undue prejudice and disadvantage to others; and will provide effectual means of protection to the public from the imposition of unreasonable and oppressive charges for the performance of public service in the transportation of passengers and property as common carriers under franchises granted by the people; all of which is in violation of the Act to Regulate Commerce, approved February 4, 1897, the provisions of which, as interpreted by the Supreme Court of the United States, have proved ineffectual to prevent such violations:

Resolved, That (if the Senate concur), our Senators and Representatives in Congress are hereby respectfully requested to support and urge such legislation as will make the recommendation of the President effective, and will insure the enforcement of the requirements of the aforesaid act to the end that in the interest of all the people "all charges for any service rendered or to be rendered in the transportation of passengers or property, or in connection therewith, or for the receiving, delivering, storage, or handling of such property, shall be reasonable and just."

Said resolution giving rise to debate,

Ordered, That the same be laid upon the table.

Mr. Stanley offered for the consideration of the House, a resolution, in the words following:

Whereas, The citizens of the State of New York are deeply interested in everything that relates to the improvement of the postal service, and

Whereas, The proposition embodied in House of Representatives bill No. 15,983 of the present Congress, consolidating third and fourth class mail matter (the book and merchandise post), at the third class rate, one cent per each two ounces or eight cents per pound, which is one-half the present merchandise rate, has been urgently recommended by the Post Office Department in the interest both of the postoffice and the public; now therefore, be it

Resolved, That the Senate and Assembly of the Legislature of the State of New York, hereby respectfully requests the Senators and Representatives from the State of New York, in the Congress of the United States, to secure, if possible, the immediate enactment into law of House of Representatives bill No. 15,983.

Said resolution giving rise to debate,

Ordered, That the same be laid upon the table.

On motion of Mr. Rogers, the House adjourned.

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## TUESDAY, JANUARY 31, 1905.

The House met pursuant to adjournment.

Prayer by Rev. J. V. Wemple.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

The privileges of the floor were extended to Hons. Wm. Somer and Cyrus B. Gale, former members; also to Murray Bentam and Granger Bentam, of Ontario.

Mr. F. E. Allen introduced a bill entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof, relative to salaries of officials of the street department" (Int. No. 321), which was read the first time and referred to the committee on affairs of cities.

Mr. Becker introduced a bill entitled "An act to provide for the care, preservation and protection of the rock known as the 'Seneca Indian council rock,' in the town of Brighton, Monroe

county, New York, and legalizing its existence in its present location " (Int. No. 322), which was read the first time and referred to the committee on general laws.

Mr. Burnett introduced a bill entitled "An act to establish a laboratory for the study of the criminal, pauper and defective classes " (Int. No. 323), which was read the first time and referred to the committee on ways and means.

Mr. W. B. Charles introduced a bill entitled "An act to confer upon the Court of Claims jurisdiction to hear, audit and determine the alleged claim of George W. Brown against the State for damages alleged to have been sustained by him while operating bridge number 116 of the Erie canal on or about the 5th day of July, 1902 " (Int. No. 324), which was read the first time and referred to the committee on claims.

Mr. Donovan introduced a bill entitled "An act to repeal chapter 629 of the Laws of 1904, entitled 'An act to amend chapter 389 of the Laws of 1903, entitled "An act in relation to the city of Troy, the government of said city, and to create a municipal improvements commission, and to define its powers and duties," and to enlarge the powers and duties of said commission and to provide for additions and improvements to Prospect Park and to the water works of the city of Troy under the supervision of said commission and to authorize the issuing of bonds for such additions and improvements and to amend section 24 of chapter 576 of the Laws of 1893, entitled 'An act relative to the water works department of the city of Troy and to provide for an increased supply of water in said city' as amended by chapter 370 of the Laws of 1900, relative to the issue of bonds for the extension of the water works and an increased supply of water for the city of Troy " (Int. No. 325), which was read the first time and referred to the committee on affairs of cities.

Mr. Freidel introduced a bill entitled "An act to regulate the laying and using of street surface railroad tracks upon the Bowery and Third avenue in the city of New York, for the greater safety of the lives and limbs of the citizens of said city " (Int. No. 326), which was read the first time and referred to the committee on railroads.

Mr. Grattan introduced a bill entitled "An act to amend the law creating the town of Green Island by providing for the dis-



tribution of the surplus funds of the town of Green Island " (Int. No. 327), which was read the first time and referred to the committee on internal affairs.

Mr. Mead introduced a bill entitled "An act providing for the erection of a State armory in the city of Albany, the acquisition of a site therefor, and making an appropriation for building said armory " (Int. No. 328), which was read the first time and referred to the committee on ways and means.

Mr. Perham introduced a bill entitled "An act to amend section 1088 of the Greater New York charter, in relation to the powers and duties of local school boards " (Int. No. 329), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend section 1092 of the Greater New York charter, in relation to the public school teacher' retirement fund " (Int. No. 330), which was read the first time and referred to the committee on affairs of cities.

Mr. Rigby introduced a bill entitled "An act to amend section 88 and section 128 of chapter 414 of the Laws of 1897, entitled 'An act in relation to villages, constituting chapter 21 of the general laws,' relative to drains and culverts " (Int. No. 331), which was read the first time and referred to the committee on affairs of villages.

Also, a bill entitled "An act to amend section 88 of chapter 414 of the Laws of 1897, entitled 'An act in relation to villages, constituting chapter 21 of the general laws,' relative to garbage and ashes " (Int. No. 332), which was read the first time and referred to the committee on affairs of villages.

Mr. West introduced a bill entitled "An act for the relief of the county of Yates, relative to the collection of uncollected taxes therein of the years 1898, 1899, 1900, 1901, and 1902, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were assessed " (Int. No. 333), which was read the first time and referred to the committee on internal affairs.

Mr. G. H. Whitney introduced a bill entitled "An act to amend chapter 206 of the Laws of 1902, entitled 'An act in relation to the removal of the remains of deceased soldiers from potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers'



plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries,' providing for the payment of certain expenses by the county" (Int. No. 334), which was read the first time and referred to the committee on general laws.

Mr. Gates introduced a bill entitled "An act for the relief of Talcott Wells and John Wells" (Int. No. 335), which was read the first time and referred to the committee on claims.

Mr. Fish introduced a bill entitled "An act to amend section 4 of chapter 8 of the general laws in relation to punishment for contempt" (Int. No. 336), which was read the first time and referred to the committee on the judiciary.

Mr. Leggett introduced a bill entitled "An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' by fixing salary of stenographer of city court" (Int. No. 337), which was read the first time and referred to the committee on affairs of cities.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 67) entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of the clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of copyists or recording clerks of current records" (Int. No. 67), reported the same with the following recommendations:

Page 1, line 8, strike out the comma after the word "employees."

Page 2, line 5, after the word "clerks" insert the word "each" and a comma.

Same page, line 12, insert a comma after the word "custodians."

Same page, line 13, strike out the semicolon after the word "dollars" and insert a period.

Same page, same line, capitalize the word "the."

Same page, line 22, strike out the commas after the words "compensation" and "therefor."

Same page, line 25, strike out the word "appoint" and insert the word "employ."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

The bill (No. 224) entitled "An act to amend the Public Buildings Law relative to authorizing the trustees of the Soldiers and Sailors' Home at Bath to organize and maintain a band and to pay for the same out of the maintenance funds of the Home" (Int. No. 33), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 1

Those who voted in the affirmative were:

Agnew	Cox	Hurd	Perham	Smith R H
Allen F E	Cunningham	Knapp	Ferry	Standart
Anderson	Dodd	La Fetra	Phillips	Steele
Apgar	Dowling	La Rue	Platt	Stevens
Bass	Ellis	Leggett	Prentice	Tenjost
Becker	Etzel	Machacek	Prince	Thompson J A
Bedell	Evans	Maier	Reeve	Thonet
Beihliff	Everett	Malloy	Reilly	Tompkins
Bird	Fish	Mathews T F	Rigby	Wade
Bisland	Fitzsimons	Matthews C R	Rogers	Wagner
Brady	Foelker	McKeown	Rosenstein	Wainwright
Burnett	Foster	Mead	Salomon	West
Burns	Freidel	Merritt	Santee	Whitney F G
Burzynski	Fuller	Miller	Schoeneck	Whitney G H
Byrne	Grady	Moreland	Scovill	Wiegand
Charles	Grattan	Murphy	Shanahan	Wilsnack
Callahan	Hammond	Newton	Sheldon	Wilson
Caughlan	Hanford	Nugent	Sherry	Wolf
Charles E E	Hapeman	O'Neill	Slocum	Wood F C
Cooke	Hastings	Palmer	Smith A P	Wood F X
Coon	Hooker	Parker	Smith A E	Yale
Coutant	Hornidge	Pendry	Smith J T	Young
Cowan	Hubbs			

In the negative:

Cahn

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 19) entitled "An act to amend chapter 45 of the Laws of 1900, entitled 'An act to extend the time within which the Buffalo, Gardenville and Ebenezer railway shall finish

its road and put it in operation beyond its present construction and operation,' in relation to the time limitation " (Rec. No. 2), having been announced for a third reading.

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The bill (No. 310) entitled "An act to amend chapter 101 of the Laws of 1881, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter 181 of the Laws of 1875'" (Int. No. 38), was read the second time.

On motion of Mr. W. B. Charles, said bill was placed on the order of third reading and referred to the committee on revision.

On motion of Mr. Rogers, the House adjourned.

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### WEDNESDAY, FEBRUARY 1, 1905.

The House met pursuant to adjournment.

Prayer by Rev. John Laubenheimer.

On motion of Mr. Rogers, the reading of the Journal of yesterday was dispensed with and the same was approved.

Mr. Coutant was excused until Monday evening.

The privileges of the floor were extended to Mr. M. F. Conroy.

Mr. Speaker presented the tenth annual report of the Rome State Custodial Asylum, which was laid upon the table and ordered printed.

(See Document.)

Mr. Bedell introduced a bill entitled "An act to amend the Railroad Law, in relation to approval of lease by stockholders" (Int. No. 338), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the

raising of taxes to pay the principal and interest of said bonds" (Int. No. 339), which was read the first time and referred to the committee on internal affairs.

Mr. Brooks introduced a bill entitled "An act to amend the Penal Code, in relation to the playing of baseball by amateurs on Sunday in certain counties" (Int. No. 340), which was read the first time and referred to the committee on codes.

Mr. Burns introduced a bill entitled "An act to amend the Penal Code in relation to the sale or delivery of uncooked flesh foods on Sundays" (Int. No. 341), which was read the first time and referred to the committee on codes.

Mr. Coughlan introduced a bill entitled "An act to amend the Greater New York charter, relating to the municipal court of the city of New York" (Int. No. 342), which was read the first time and referred to the committee on the judiciary.

Mr. W. B. Charles introduced a bill entitled "An act to legalize the bonds of the village of Fonda, Montgomery county, N. Y., amounting to the sum of \$23,000, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds" (Int. No. 343), which was read the first time and referred to the committee on affairs of villages.

Mr. Cotton introduced a bill entitled "An act to reappropriate money for the acquisition of additional land for the Creedmoor rifle range, as provided by chapter 633 of the Laws of 1903, and making the same applicable for improvements to said rifle range" (Int. No. 344), which was read the first time and referred to the committee on ways and means.

Mr. Coutant introduced a bill entitled "An act to provide for the purchase of three certain lots of land situate in the city of Kingston, in the county of Ulster, lying between North Front street and the Senate House property, and making an appropriation therefor" (Int. No. 345), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act authorizing the repair and protection by retaining walls or otherwise of the Ulster-Delaware road No. 16, in the town of Shandaken, Ulster county, and making an

appropriation therefor " (Int. No. 346), which was read the first time and referred to the committee on ways and means.

Mr. Cox introduced a bill entitled "An act to release to Florence W. Barrett, all the right, title and interest of the people of the State of New York, in and to certain real estate situate in the city of Buffalo, county of Erie and State of New York " (Int. No. 347), which was read the first time and referred to the committee on claims.

Mr. Francisco introduced a bill entitled "An act to confirm the appointments of certain persons as firemen of the city of Brooklyn, N. Y." (Int. No. 348), which was read the first time and referred to the committee on affairs of cities.

Mr. Grady introduced a bill entitled "An act to amend the Greater New York charter, relative to the collection of assessments for local improvements " (Int. No. 349), which was read the first time and referred to the committee on affairs of cities.

Mr. Hornidge introduced a bill entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended " (Int. No. 350), which was read the first time and referred to the committee on affairs of cities.

Mr. Leggett introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to taking certain wild fowl on the Niagara river " (Int. No. 351), which was read the first time and referred to the committee on fisheries and game.

Mr. Murphy introduced a bill entitled "An act to amend the Code of Civil Procedure by adding thereto a new section to be known as section 1925-a, relative to an action to obtain judgment, etc." (Int. No. 352), which was read the first time and referred to the committee on codes.

Mr. Perham introduced a concurrent resolution entitled "Concurrent resolution of the Senate and Assembly, proposing an amendment to section 6 of article 6 of the Constitution, relating to trial commissioners " (Int. No. 353), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants,' relative to the construction of an independent railway system by and at the expense of



such city" (Int. No. 354), which was read the first time and referred to the committee on affairs of cities.

Mr. Platt introduced a bill entitled "An act to legalize bonds of the village of Painted Post to be issued for the purpose contemplated by chapter 483 of the Laws of 1904 and to legalize all proceedings in relation thereto, including the appointment and proceedings of the board of river commissioners thereunder and the special election of the inhabitants of said village held thereunder on the 25th day of June, 1904" (Int. No. 355), which was read the first time and referred to the committee on affairs of villages.

Mr. Rosenstein introduced a bill entitled "An act to amend the Penal Code in relation to the manufacture and sale of jewelry" (Int. No. 356), which was read the first time and referred to the committee on codes.

Mr. Shuttleworth introduced a bill entitled "An act to provide for the better collection of unpaid assessments for local improvements in the town of West Seneca, Erie county, N. Y." (Int. No. 357), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to authorize the town of West Seneca, in the county of Erie, to construct a sewer system within the said town, and to provide for the payment of the expense thereof" (Int. No. 358), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act authorizing the town of West Seneca to issue bonds to the amount of \$40,000, to raise money for the purchase of sites, and the erection thereon and equipment of a police building, town hall, and fire headquarters" (Int. No. 359), which was read the first time and referred to the committee on internal affairs.

Mr. R. H. Smith introduced a bill entitled "An act to amend the Greater New York charter, relative to inferior courts of criminal jurisdiction" (Int. No. 360), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York,

and directing the Comptroller to mark such assessments accordingly" (Int. No. 361), which was read the first time and referred to the committee on affairs of cities.

Mr. Standart introduced a bill entitled "An act to amend the Forest, Fish and Game Law relating to the taking and possession of wild fowl" (Int. No. 362), which was read the first time and referred to the committee on fisheries and game.

Mr. Stanley introduced a bill entitled "An act to amend section 947 of the Greater New York charter in relation to assessments for local improvements other than those confirmed by a court of record" (Int. No. 363), which was read the first time and referred to the committee on affairs of cities.

Mr. Tompkins introduced a concurrent resolution entitled "Concurrent resolution of the Senate and Assembly proposing an amendment to the Constitution by adding to article 3 thereof a new section to be known as section 30, restricting legislation as to cities" (Int. No. 364), which was read the first time and referred to the committee on the judiciary.

Mr. Bedell introduced a bill entitled "An act to amend chapter 331 of the Laws of 1904, entitled 'An act to amend the Code of Civil Procedure, in relation to professional or registered nurses as witnesses,' in relation to the effect of such act on pending actions or proceedings" (Int. No. 365), which was read the first time and referred to the committee on codes.

Mr. Cox introduced a bill entitled "An act to amend chapter 909 of the Laws of 1896, entitled 'An act in relation to the elections, constituting chapter 6 of the general laws,' and the several acts amendatory thereof and supplemental thereto, in relation to the office of commissioner of elections in the county of Erie" (Int. No. 366), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 394 of the Laws of 1904, entitled 'An act to create and establish the office of commissioner of elections in the county of Erie and prescribing his duties,' relating to the duties of the commissioner" (Int. No. 367), which was read the first time and referred to the committee on the judiciary.

Mr. Maier introduced a bill entitled "An act to provide for the repairing of Montezuma turnpike across Montezuma marsh,

and making an appropriation therefor" (Int. No. 368), which was read the first time and referred to the committee on ways and means.

Mr. C. R. Matthews introduced a bill entitled "An act to amend the Public Health Law, relative to the use of methyl or wood alcohol for adulterative purposes" (Int. No. 369), which was read the first time and referred to the committee on public health.

Also, a bill entitled "An act to amend the Agricultural Law, relative to foods adulterated with methyl or wood alcohol" (Int. No. 370), which was read the first time and referred to the committee on public health.

Mr. Wiegand introduced a bill entitled "An act to amend the Liquor Tax Law, relative to trafficking in liquors during certain hours on Sunday in cities having a population of more than 1,500" (Int. No. 371), which was read the first time and referred to the committee on excise.

Mr. Prentice introduced a bill entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinance" (Int. No. 372), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Greater New York charter in relation to actions to recover penalties for the violation of any law or ordinance" (Int. No. 373), which was read the first time and referred to the committee on the judiciary.

The Senate sent for concurrence the bill (No. 89) entitled "An act in relation to the transfer of the corporate franchise of the Union Club of Watertown, N. Y." (Rec. No. 5), which was read the first time.

On motion of Mr. La Rue, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. La Rue, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 114

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hornidge	Pendry	Smith J T
Allen F E	Cox	Hubbs	Perham	Standart
Allen J G	Dale	Kavanaugh	Perry	Stanley
Anderson	Dodd	La Fetra	Phillips	Stevens
Apgar	Dowling	La Rue	Plank	Sullivan
Bass	Ellis	Leggett	Platt	Tenjust
Becker	Etzel	Machacek	Prentice	Thompson J A
Bedell	Evans	Maier	Quinn	Stevens
Beebe	Everett	Malloy	Reeve	Tompkins
Bird	Fitzsimons	Mathews T F	Reilly	Waddell
Bisland	Foelker	Matthews C R	Rogers	Wade
Brady	Francisco	McKeown	Rosenstein	Wadsworth
Burnett	Freidel	Mead	Sammon	Wainwright
Burns	Gardner	Merritt	Santee	Wedemeyer
Burzynski	Grady	Miller	Schoeneck	Wemple
Cadin	Gray	Monroe	Scovill	Whitney F G
Cahn	Hackett	Moreland	Shanahan	Whitney G H
Callahan	Hanmond	Newton	Sheehy	Wilsnack
Caughlan	Hanford	Nugent	Sheldon	Wolf
Charles W B	Hapeman	Ogden	Shuttleworth	Wood F C
Cooke	Hartman	Palmer	Slocum	Wood F X
Coon	Hooker	Parker	Smith A P	Yale
Cotton	Hooper	Patton	Smith J E	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence the following entitled bills:

“An act to authorize the city of Buffalo to issue its bonds for the purpose of raising money to construct, maintain, extend, repair and regulate water works” (No. 154, Rec. No. 6), which was read the first time and referred to the committee on affairs of cities.

“An act to legalize the bonds issued by ‘the school district of the city of Amsterdam’ amounting to the sum of \$106,600, for the purpose of defraying the expense of acquiring sites and erecting new school buildings in said district and to provide for the payment of the principal and interest of said bonds” (No. 119, Rec. No. 7), which was read the first time.

On motion of Mr. W. B. Charles, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. W. B. Charles, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 99

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hurd	Platt	Tenjest
Allen F E	Dodd	La Rue	Pratt	Thompson J A
Allen J G	Donovan	Leggett	Prince	Thonet
Anderson	Ellis	Lewis	Quinn	Tompkins.
Apgar	Evans	Maier	Reeve	Waddell
Becker	Fish	Malloy	Rigby	Wagner
Bedell	Foelker	Mathews T F	Rosenstein	Wainwright
Beihlf	Foster	Matthews C R	Salomon	Wedemeyer
Bisland	Freidel	McKeown	Sammon	West
Brooks	Gardner	Merritt	Santee	Wemple
Burns	Gates	Miller	Scovill	Whitney F G
Burzynski	Grattan	Moreland	Sheehy	Whitney G H
Cadin	Gurnett	Murphy	Sheldon	Wiegand
Cahn	Hackett	Nugent	Shuttleworth	Wilson
Callahan	Hammond	O'Neill	Smith A P	Wolf
Caughlan	Hapeman	Palmer	Smith A E	Wood F C
Charles W B	Hartman	Patton	Smith J T	Wood F X
Coon	Hooker	Pendry	Standart	Yale
Coutant	Hooper	Perham	Steele	Young
Cowan	Hubbs	Phillips	Stevens	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Wade—Mr. Speaker, I rise to a question of personal privilege.

Mr. Speaker—The gentleman will state his question of privilege.

Mr. Wade—I have in my hand a copy of the New York Sun published this morning which contains what purports to be the action of the judiciary committee in relation to the investigation requested of this house by Supreme Court Justice Hooker; and in that article I find this statement: "Assemblyman Arthur C. Wade, who was Justice Hooker's counsel, was about the Ten Eyck to-night conferring with members of the Assembly. Several



said that Mr. Wade was very much surprised at the course matters had taken and that he did not like it at all."

Mr. Speaker, that statement is the first intimation I have had from any source whatsoever upon the subject of the action that the judiciary had taken or contemplated to take. I was not about the Ten Eyck hotel last night conferring with any member of this House upon this or any other subject.

I should not give this as much as a passing notice if it were not for the fact, as is well known by all the members of this House that I did act as Justice Hooker's attorney during this investigation before the State Bar Association grievance committee. With the presentation of the report of that committee to the Bar Association and its action, my connection with this case ceased and determined. And I so advised Justice Hooker, and I so advised the public through the public press; since that time I have had absolutely nothing to do with it. It is but a few days ago that this and one other paper published a statement that the judiciary committee while in session had sent for me and conferred with me in reference to this case. I appeal here this morning to every member of that committee to verify the statement that I now make that at no time the committee sent for me, at no time the committee conferred with me, at no time was I before the committee on this matter, and at no time when I have been in its presence has the Hooker matter been mentioned in the slightest degree. And if there is a member of the judiciary committee that disagrees with me upon this statement I wish he would rise in his seat at this moment and say so. This paper charges me substantially with button-holing members of the Assembly in the Ten Eyck hotel last night upon this subject. If there is such a member of this House I here and now in the interest of fairness and decency ask him to rise in his seat and say so. It is without the slightest foundation, Mr. Speaker. It is made out of wholecloth, pure and simple. And in conclusion I wish to say that if the author of that article had lived in the days of Ananias that illustrious liar would have remained unknown to fame.

Mr. Fish, from the committee on the judiciary, to which was referred the resolution relative to the request of Warren B.

Hooker for legislative investigation, reported in favor of the adoption of the following preamble and resolution:

Whereas, The Bar Association of the city of Jamestown, Chautauqua county, heretofore and on or about the 16th day of January, 1904, presented to the New York State Bar Association a resolution accompanied by a statement respecting certain accusations against Hon. Warren B. Hooker, a justice of the Supreme Court of this State, which resolution and communication was referred to the grievance committee of said New York State Bar Association; and

Whereas, Said grievance committee did on or about March 1, 1904, refer said resolution and accompanying statement to a sub-committee of five members of such grievance committee, with power to investigate the matters contained in said resolution and statement as connected therewith and report to said grievance committee their proceedings and recommendations thereon; and

Whereas, Said sub-committee so appointed did thereafter make an investigation of such matters, and on the 12th day of November, 1904, did make report to said grievance committee of its proceedings containing certain findings of fact with the recommendation that a further investigation be had by the Legislature before a tribunal having compulsory process; and

Whereas, The grievance committee of said New York State Bar Association did thereafter and on the 18th day of January, 1905, at the annual meeting of said association, held in the city of Albany, make report to said association, agreeing with and confirming said findings of fact, but without any recommendation in relation thereto, which report was agreed to, accepted by said association; and

Whereas, The said Warren B. Hooker, on the 23d day of January, 1905, addressed to Hon. S. Fred Nixon, Speaker of the Assembly, a communication in writing signed by him requesting a legislative investigation of the aforesaid accusations against him, and the matters connected therewith, which communication, together with a copy of the proceedings of the sub-committee of said grievance committee of said New York State Bar Association, accompanying the same, was on the 23d day of January, 1905, referred to the judiciary committee of the Assembly, which committee has duly considered the same;

Resolved, That the judiciary committee of the Assembly be and is hereby authorized and instructed to inquire and fully investigate in regard to the truth of the accusations against said Warren B. Hooker contained in said communication of the said Jamestown Bar Association, and all matters relating

thereto or connected therewith and all other matters relating to or affecting the fitness of said Warren B. Hooker to hold the high office of justice of the Supreme Court, and to report to the Assembly with all convenient speed the proceedings had and testimony taken by said committee, together with its opinion thereon, and such recommendations as such committee may make in the matter. That said committee be and is hereby given and granted all the power and authority given and granted to a committee of the Legislature on either House thereof, by the legislative law, may sit in such place or places within the State as it may deem necessary and proper for the convenience of witnesses, or otherwise, may send for persons and papers, compel the attendance of witnesses, take under oath oral testimony, and receive written evidence, and may for that purpose employ such counsel, a stenographer and such other assistants as it may need. That the Sergeant-at-Arms of the Assembly shall attend said committee, serve such papers, and perform such other duties as the committee may require, and that said committee report to the Assembly on or before March 15, 1905.

Mr. Palmer moved to amend as follows:

In the last paragraph of said resolution after the words "as it may need," insert "the bar associations of the cities of Jamestown, New York and Brooklyn are to be notified of the times and places of the hearings before said committee, and may be represented by counsel, or special committee of each of said bar associations, and may call witnesses, produce evidence and examine and cross-examine any and all witnesses produced before the legislative committee."

Mr. Speaker put the question whether the House would agree to said motion of Mr. Palmer and it was determined in the negative.

AYES 36

NOES 93

Those who voted in the affirmative were:

Anderson	Everett	Machacek	Reilly	Smith R H
Burns	Fuller	Malloy	Rosenstein	Thompson J A
Burzynski	Grady	McKeown	Salomon	Tompkins
Caughlan	Hooper	Ogden	Shanahan	Wagner
Cooke	Hornidge	Palmer	Sheehy	Wedemeyer
Dale	Kavanaugh	Pratt	Sherry	Wiegand
Dodd	La Fetra	Prince	Smith A E	Wolf
Donovan				

Those who voted in the negative were:

Agnew	Coutant	Hanford	Patton	Standart
Allen F E	Cowan	Hapeman	Pendry	Stanley
Allen J G	Cox	Hartman	Perham	Stevens

Bass	Cotton	Hastings	Phillips	Tenjost
Becker	Cunningham	Hubbs	Plank	Thompson G F
Bedell	Dowling	Hurd	Platt	Thonet
Beebe	Ellis	La Rue	Prentice	Wadsworth
Beihlf	Etzel	Lewis	Reeve	Wainwright
Bird	Evans	Maier	Rigby	West
Bisland	Fish	Matthews C R	Rogers	Wemple
Brady	Foelker	Mead	Santee	Whitney F G
Brooks	Foster	Merritt	Schoeneck	Whitney G H
Burnett	Francisco	Miller	Scovill	Wilsnack
Cadin	Freidel	Monroe	Sheldon	Wilson
Cahn	Gardner	Moreland	Shuttleworth	Wood F C
Callahan	Gates	Murphy	Smith A P	Wood F X
Carrier	Grattan	Newton	Smith J E	Yale
Charles W B	Hackett	O'Neill	Smith J T	Young
Coon	Hammond	Parker		

Mr. La Rue moved to amend as follows:

In the last paragraph of said resolution after the words, "as it may need," insert the words, "the Bar Association of the city of Jamestown is to be notified of the times and places of the hearings before said committee, and may be represented by counsel who may call witnesses, produce evidence and examine and cross-examine witnesses, except that the order of such acts on the part of said counsel shall be controlled by said committee."

Mr. Speaker put the question whether the House would agree to said motion of Mr. La Rue, and it was determined in the negative.

AYES 47

NOES 78

Those who voted in the affirmative were:

Agnew	Everett	La Rue	Pratt	Smith A E
Anderson	Foster	Machacek	Prince	Smith R H
Burns	Fuller	Malloy	Quinn	Stanley
Burzynski	Grady	Mathews T F	Reilly	Thompson J A
Caughlan	Hackett	McKeown	Rosenstein	Tompkins
Cooke	Hooker	Ogden	Salomon	Wagner
Dale	Hooper	Palmer	Shanahan	Wedemeyer
Dodd	Hornidge	Pendry	Sheehy	Wiegand
Donovan	Kavanaugh	Perham	Sherry	Wolf
Ellis	La Fetra			

Those who voted in the negative were:

Allen F E	Cotton	Hastings	Plank	Tenjost
Allen J G	Coutant	Hubbs	Platt	Thompson G F
Bass	Cox	Lewis	Prentice	Thonet
Becker	Cunningham	Maier	Reeve	Wadsworth
Bedell	Dowling	Mead	Rogers	Wainwright
Beebe	Evans	Merritt	Santee	West
Beihlf	Fish	Miller	Schoeneck	Wemple
Bird	Foelker	Monroe	Scovill	Whitney F G
Brooks	Francisco	Moreland	Sheldon	Whitney G H
Burnett	Gardner	Murphy	Shuttleworth	Wilsnack
Cadin	Gates	Newton	Smith A P	Wilson



Cahn	Grattan	O'Neill	Smith J E	Wood F C
Callahan	Hammond	Parker	Smith J T	Wood F X
Carrier	Hanford	Patton	Standart	Yale
Charles W B	Hapeman	Perry	Stevens	Young
Coon	Hartman	Phillips		

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Cooke	Haitman	Nugent	Slocum
Allen F E	Cotton	Hastings	Ogden	Smith A E
Anderson	Coutant	Hooper	Palmer	Smith J T
Apgar	Cox	Hubbs	Patton	Standart
Bass	Dale	Kavanaugh	Pendry	Steele
Becker	Dodd	Knapp	Perham	Sullivan
Bedell	Dowling	La Fetra	Plank	Thompson G F
Beebe	Etzel	Leggett	Pratt	Thonet
Beihilf	Evans	Machacek	Prentice	Tompkins
Bisland	Fish	Maier	Prince	Wade
Brady	Fitzsimons	Mathews T F	Quinn	Wagner
Brooks	Foster	Matthews C R	Reeve	Wainwright
Burns	Francisco	McKeown	Rogers	Wedemeyer
Burzyski	Fuller	McManus	Rosenstein	Whitney F G
Byrne	Gardner	Mead	Santee	Whitney G H
Cahn	Grady	Merritt	Schoeneck	Wilsnack
Callahan	Grattan	Monroe	Shanahan	Wilson
Carrier	Hackett	Machacek	Stanley	Wood F C
Caughlan	Hammond	Murphy	Sherry	Yale
Charles E E	Hanford	Newton	Shuttleworth	Young

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Evans, Int. No. 42, entitled "An act to amend section 110 of chapter 560 of the Laws of 1904, entitled 'An act to revise the charter of the city of Rome'" (No. 42), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Wade, Int. No. 27, entitled "An act to amend chapter 17 of the Laws of 1903, entitled 'An act to authorize the city of Jamestown to acquire and maintain a water supply system,' in relation to the compensation which may be paid to the treasurer of the city of Jamestown for his services in receiving water rents" (No. 27), reported in favor of the



passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. La Fetra, Int. No. 18, entitled "An act to amend the Greater New York charter relative to the fund for street and park openings" (No. 18), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Ellis, Int. No. 6, entitled "An act to amend the Greater New York charter relative to special revenue bonds" (No. 6), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Grattan, Int. No. 4, entitled "An act to amend chapter 671 of the Laws of 1892, entitled "An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes," in relation to salary of clerk of said city" (No. 4), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Grattan, Int. No. 3, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohies,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (No. 3), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Evans, Int. No. 43, entitled "An act authorizing the city of Rome to issue bonds for the purpose of paying for extending and constructing street improvement" (No. 43), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Prentice, Int. No. 131, entitled "An act to amend the Greater New York charter relative to the court of special sessions" (No. 131), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hornidge, Int. No. 148, entitled "An act to amend chapter 108 of the Laws of 1904, so as to authorize the issue of corporate stock of the city of New York, instead of revenue bonds" (No. 148), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. La Fetra, Int. No. 153, entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (No. 153), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hornidge, Int. No. 150, entitled "An act to amend the Greater New York charter relative to finances by amending sections 420 and 544 thereof" (No. 150), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. La Fetra, Int. No. 154, entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (No. 154), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Mead, Int. No. 157, entitled "An act in relation to an additional water supply for the city of Albany" (No. 157), reported in favor of the passage of

the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hornidge, Int. No. 188, entitled "An act to authorize the board of estimate and apportionment of the city of New York to appropriate money for the New York City Reformatory of Misdemeanants and the board of parole of said reformatory" (No. 188), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Cox, Int. No. 206, entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to filling vacancies in office of mayor" (No. 206), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Cox, Int. No. 207, entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of completing the abatement of all nuisance in the Main and Hamburg, Ohio Basin and Clark and Skinner canals" (No. 207), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Rigby, Int. No. 239, entitled "An act to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1, 1906, and for which no provision has been made in the sinking fund" (No. 239), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Moreland, Int. No. 221, entitled "An act to provide for the building of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue

of bonds by said city to pay the expense thereof" (No. 221), retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of third reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Whitney, Int. No. 143, entitled "An act to amend chapter 394 of the Laws of 1895, entitled 'An act to revise the charter of the city of Oswego' by authorizing the issue of bonds to provide for a supply of water from Lake Ontario" (No. 143), retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of third reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Everett, Int. No. 44, entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which Thomas F. Morris, formerly a patrolman in the police department of said city, was dismissed from said department and to reinstate him in his former position" (No. 44), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 1. after line 11, insert the following:

"§ 2. This act shall take effect immediately."

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. La Fetra, Int. No. 155, entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (No. 155), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 6, after line 11, insert a new section as follows:

"§ 2. Nothing in this act shall be construed to in any way modify, repeal or amend chapter sixteen of the charter of the City of New York, relative to docks, piers, harbors, port, and



waters and the powers and duties of the commissioner of docks.

“ § 3. This act shall take effect immediately.”

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Stanley, Int. No. 94, entitled “An act to authorize the board of estimate and apportionment in the city of New York to audit, adjust and pay Rudolph Confield and Alice Smith, for services rendered as probation officers” (No. 94), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 1, line 2, after the word “empowered” insert the words “in its discretion”.

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Perham, Int. No. 22, entitled “An act to amend chapter 336 of the Laws of 1903, entitled ‘An act to provide for the erection of a courthouse in the county of New York and authorizing the acquisition of a site therefor’” (No. 22), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 2, line 3, do not underscore “court of”.

Same page, line 9, correct spelling in “fire-engine”.

Same page, line 15, after the word “the” bracket out the word “aggregate”.

Same page, line 16, after the word “house” bracket out all down to and including the word “office” on line 18.

Same page, line 23, strike out the word “may” and insert the word “shall”.

Same page, line 26, underscore all of the line.

JEAN L. BURNETT,  
*Chairman.*



Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Wilsnack, Int. No. 98, entitled "An act to provide for the enrollment of electors in the third, fourth and fifth election districts of the second assembly district of the borough of Queens" (No. 98), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Steele, Int. No. 191, entitled "An act to legalize the official acts of Benjamin E. Western, a justice of the peace of the town of Norwan, county of Herkimer" (No. 191), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Leggett, Int. No. 129, entitled "An act to amend chapter 744 of the Laws of 1904 in relation to the expense of publishing notice of tax sales in Niagara county" (No. 129), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Mead, Int. No. 123, entitled "An act to amend an act, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor" (No. 123), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wainwright, Int. No. 296, entitled "An act authorizing the town board of the town of White

Plains to appropriate certain moneys to the White Plains Hospital Association of White Plains " (No. 296), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. A. P. Smith, Int. No. 182, entitled "An act to authorize the erection of an addition to present school building by the Palmyra Classical Union School in school district No. 1, in the town of Palmyra, and to provide for the payment therefor " (No. 183), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Cotton, from the committee on military affairs, to which was referred the bill introduced by Mr. Wainwright, Int. No. 285, entitled "An act relating to the equipment of the organized militia and to authorize the sale of certain equipment to the United States, and providing for the disposition of the proceeds of such sale " (No. 285), retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of third reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Wade, Int. No. 278, entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for squirrels, grouse, woodcock and quail in Chautauqua county " (No. 278), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Foster, Int. No. 262, entitled "An act to amend the Forest, Fish and Game Law in relation to muskallonge " (No. 262), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Wadsworth, Int. No. 243, entitled "An act to amend the Forest, Fish and Game Law in relation to set lines in Hemlock lake " (No. 243), reported in favor of the passage of the same without amendment, which

report was agreed to and said bill placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Wade, Int. No. 249, entitled "An act to amend the Forest, Fish and Game Law in relation to the meshes of nets used in Lake Erie" (No. 249), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Beebe, Int. No. 223, entitled "An act to regulate the taking of ducks, geese, brant, and swan in the county of Monroe, and to amend chapter 20 of the Laws of 1900, entitled 'An act for the protection of the forests, fish and game of the State, constituting chapter 31 of the general laws,' by adding a section to be known as section 20-b" (No. 255), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the bill introduced by Mr. Wemple, Int. No. 70, entitled "An act to change the name of 'the East Avenue Presbyterian Church of the City of Schenectady' to 'the State Street Presbyterian Church of the City of Schenectady'" (No. 70), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 380) entitled "An act to amend chapter 101 of the Laws of 1881, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter 181 of the Laws of 1875'" (Int. No. 38), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend chapter one hundred and one of the laws of eighteen hundred and eighty-one, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter one hundred and

eighty-one of the laws of eighteen hundred and seventy-five,' relative to the powers of the water commissioners."

Page 1, line 6, strike out the words "so as".

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Forest, Fish and Game Law in relation to close season for woodcock and grouse in the county of Tioga." (No. 292, Int. No. 165.)

"An act making appropriations to the State Commissioner of Excise for the payment of refunds on surrender of liquor tax certificates, and for judgments." (No. 160, Int. No. 160.)

Mr. Perham offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Assembly bill No. 235, entitled "An act relative to the City Court of the city of New York" (Int. No. 235), and that said bill be referred to the committee on the judiciary.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Senate bill (No. 19) entitled "An act to amend chapter 45 of the Laws of 1900, entitled 'An act to extend the time within which the Buffalo, Gardenville and Ebenezer railway shall finish its road and put it in operation beyond its present construction and operation,' in relation to the time limitation" (Rec. No. 2), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hooper	Patton	Smith J T
Allen F E	Dale	Hubbs	Pendry	Stanley
Anderson	Dodd	Hurd	Perham	Steele
Apgar	Dowling	Kavanaugh	Phillips	Stevens
Bass	Ellis	Knapp	Plank	Tenjost
Becker	Etzel	La Rue	Pratt	Thompson G F
Beebe	Evans	Leggett	Prentice	Thompson J N
Beihlf	Everett	Machacek	Quinn	Tompkins
Bird	Fitzsimons	Maier	Reeve	Waddell
Brady	Foster	Mathews T F	Reilly	Wade
Brooks	Francisco	Matthews C R	Rigby	Wadsworth
Burnett	Fuller	McKeown	Rogers	Wedemeyer
Burns	Gardner	McManus	Rosenstein	West
Burzynski	Gates	Merritt	Sammon	Wemple
Cadin	Grattan	Miller	Santee	Whitney F G
Cahn	Gray	Monroe	Scovill	Wiegand
Caughlan	Gurnett	Murphy	Shanahan	Wilsnack
Charles E E	Hammond	Newton	Sheldon	Wolf
Cooke	Hanford	Nugent	Shuttleworth	Wood F C
Coon	Hartman	Ogden	Slocum	Wood F X
Cotton	Hastings	Palmer	Smith A E	Yale
Cowan	Hooker	Parker	Smith J E	Young

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

On motion of Mr. Rogers, the House adjourned.

THURSDAY, FEBRUARY 2, 1905.

The House met pursuant to adjournment.

Prayer by Rev. R. H. Rollins.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Thomas Sullivan was granted the privileges of the floor.

Mr. Speaker presented the following communication:

ALBANY, *January 31, 1905.*

The trustees of the Institute, Historical and Art Society of Albany cordially invite the Legislature and State officers to attend a lecture on Russia, to be delivered by the Hon. Charles Emory Smith, late United States Minister to Russia, in the Assembly Chamber, Thursday evening, 8 p. m., and after the lecture to attend a reception to Mr. Smith in the rooms of the society, 176 State street, opposite the Capitol.



Mr. Speaker presented the annual report of the Comptroller, which was laid upon the table and ordered printed.

(See Document.)

Also, the twenty-first annual report of the Commissioners of the State Reservation at Niagara, which was laid upon the table and ordered printed.

(See Document.)

Mr. Agnew introduced a bill entitled "An act to enable the Medical College Laboratory of the City of New York to convey and transfer its real and personal property" (Int. No. 374), which was read the first time and referred to the committee on the judiciary.

Mr. Brooks introduced a bill entitled "An act to amend chapter 173 of the Laws of 1895, entitled 'An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie, relative to the office of the county auditor'" (Int. No. 375), which was read the first time and referred to the committee on internal affairs.

Mr. Byrne introduced a bill entitled "An act to amend the Transportation Corporations Law to telephone charges in cities of 1,500,000 inhabitants or over" (Int. No. 376), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Caughlan introduced a bill entitled "An act authorizing the comptroller of the city of New York to examine the claim of George Blair, veteran of the Civil War" (Int. No. 377), which was read the first time and referred to the committee on affairs of cities.

Mr. W. B. Charles introduced a bill entitled "An act to amend chapter 131 of the Laws of 1885, entitled 'An act to incorporate the city of Amsterdam,' generally" (Int. No. 378), which was read the first time and referred to the committee on affairs of cities.

Mr. Coutant introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the taking of deer in Sullivan county" (Int. No. 379), which was read the first time and referred to the committee on fisheries and game.

Mr. Cunningham introduced a bill entitled "An act to amend chapter 441 of the Laws of 1899, entitled 'An act to create a commissioner of jurors in the several counties of this state,' relating to the office of commissioners of jurors in Ulster county" (Int. No. 380), which was read the first time and referred to the committee on the judiciary.

Mr. Dowling introduced a bill entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of index clerks, custodians, comparing clerks and messengers" (Int. No. 381), which was read the first time and referred to the committee on internal affairs.

Mr. Hastings introduced a bill entitled "An act in relation to the almshouse of the city and town of Newburgh, in the county of Orange, and the commissioners thereof" (Int. No. 382), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend the Penal Code relating to the unauthorized wearing of badges" (Int. No. 383), which was read the first time and referred to the committee on codes.

Mr. T. F. Mathews introduced a bill entitled "An act to amend the Greater New York charter relative to promotions in the police and fire departments" (Int. No. 384), which was read the first time and referred to the committee on affairs of cities.

Mr. Monroe introduced a bill entitled "An act to amend the Liquor Tax Law in relation to local option and hotels in certain villages" (Int. No. 385), which was read the first time and referred to the committee on excise.

Mr. Murphy introduced a bill entitled "An act to amend the Civil Service Law relating to the qualification of applicants for civil service examinations" (Int. No. 386), which was read the first time and referred to the committee on the judiciary.

Mr. R. H. Smith introduced a bill entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments and sales to the city of New York for assessments affecting property in the city of New York, and directing the comptroller to mark such assessments

accordingly " (Int. No. 387), which was read the first time and referred to the committee on affairs of cities.

Mr. Stanley introduced a bill entitled "An act to amend the Penal Code, prohibiting the corrupt influencing of agents, employees or servants" (Int. No. 388), which was read the first time and referred to the committee on codes.

Mr. Sullivan introduced a bill entitled "An act to amend the Railroad Law in relation to the rate of fare on certain steam surface railroads operated in Kings, Queens, Nassau and Suffolk counties" (Int. No. 389), which was read the first time and referred to the committee on railroads.

Mr. Tompkins introduced a bill entitled "An act to legalize and validate the official acts of notaries public" (Int. No. 390), which was read the first time and referred to the committee on the judiciary.

Mr. G. F. Thompson introduced a bill entitled "An act to amend section 2 of the Indian Law, as amended by chapter 229 of the Laws of 1893, in relation to power of Indians to contract" (Int. No. 391), which was read the first time and referred to the committee on Indian affairs.

Mr. J. A. Thompson introduced a bill entitled "An act to amend chapter 418 of the Laws of 1897, being chapter 49 of the general laws, being the Lien Law, and the several acts amendatory thereof" (Int. No. 392), which was read the first time and referred to the committee on general laws.

Mr. Wainwright introduced a bill entitled "An act to amend section 21 of the General Corporations Law relating to proxies" (Int. No. 393), which was read the first time and referred to the committee on the judiciary.

Mr. G. H. Whitney introduced a bill entitled "An act to amend an act, entitled 'An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for the same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same' in relation to boundaries" (Int. No. 394), which was read the first time and referred to the committee on internal affairs.

Mr. Gray introduced a bill entitled "An act to amend sections 2, 4 and 5 of chapter 35 of the Laws of 1902, entitled 'An act

creating a City Court in and for the city of Poughkeepsie, N. Y." (Int. No. 395), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 425 of the Laws of 1896, entitled 'An act to amend the charter of the city of Poughkeepsie' relative to the officers of said city, their duties, etc." (Int. No. 396), which was read the first time and referred to the committee on affairs of cities.

Mr. Bisland introduced a bill entitled "An act to amend the Code of Civil Procedure in relation to the appointment and compensation of stenographers in Surrogates' Courts in certain counties" (Int. No. 397), which was read the first time and referred to the committee on codes.

Mr. Cahn introduced a bill entitled "An act to authorize the police commissioner of the city of New York to inquire into the retirement from the police force of the police department of Thomas O'Keefe, and in his discretion to reinstate him" (Int. No. 398), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to provide for the extension of Exterior street from East Eighty-first street to East Eighty-second street in the borough of Manhattan, city of New York" (Int. No. 399), which was read the first time and referred to the committee on affairs of cities.

Mr. Hammond introduced a bill entitled "An act to amend section 2513 of the Code of Civil Procedure in relation to the appointment and compensation of stenographers in Surrogates' Courts in certain counties" (Int. No. 400), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James Abeel against the State of New York for damages to his lands near Little Falls, N. Y., and their use, alleged to have been sustained by him by reason of the negligence of the State of New York in connection with the management and repairs of the canal, the leaky condition of its banks, and by reason of spoil bank and other encroachments for the benefit of the canal; from August, 1899, until January 1, 1902" (Int. No. 401), which was read the first time and referred to the committee on claims.

Also, a bill entitled "An act to amend the Code of Civil Procedure relative to the possession of property on giving security" (Int. No. 402), which was read the first time and referred to the committee on codes.

Mr. Hooker introduced a bill entitled "An act to amend the Highway Law relative to extraordinary repairs of highways or bridges" (Int. No. 403), which was read the first time and referred to the committee on internal affairs.

Mr. Miller introduced a bill entitled "An act to provide for the payment of the claim of Robert Jones for furnishing work, labor, services and materials in the repair of the fire alarm system in the Fifth ward of the borough of Queens in the city of New York" (Int. No. 404), which was read the first time and referred to the committee on claims.

Mr. Moreland introduced a bill entitled "An act to amend chapter 231 of the Laws of 1895, entitled 'An act to establish a law library in the sixth judicial district to be called the Supreme Court Library at Elmira, and making an appropriation therefor,' relative to the salary of librarian" (Int. No. 405), which was read the first time and referred to the committee on ways and means.

Mr. Yale introduced a bill entitled "An act to amend the Public Health Law in relation to the sale of wood alcohol" (Int. No. 406), which was read the first time and referred to the committee on public health.

Mr. Lewis introduced a bill entitled "An act to amend the Poor Law relating to the relief of soldiers, sailors and their families" (Int. No. 407), which was read the first time and referred to the committee on general laws.

By unanimous consent,

Mr. Young introduced a bill entitled "An act providing that the police commissioner of the city of New York in his discretion may reappoint Eugene Thompson, an ex-policeman of the first grade of the city of New York, who resigned from said police department" (Int. No. 408), which was read the first time and referred to the committee on affairs of cities.

Mr. Rogers, from the committee on ways and means, reported by bill entitled "An act making appropriations for the support of government" (Int. No. 419), which was read the first time.



On motion of Mr. Rogers, and by unanimous consent, said bill was read the second time and ordered printed and placed on the order of third reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Wade, Int. No. 29, entitled "An act to amend section 1 of chapter 215 of the Laws of 1883, as amended by section 1 of chapter 554 of the Laws of 1888, entitled 'An act fixing the salaries of the stenographers of the Supreme Court in the eighth judicial district' " (No. 29), reported in favor of the passage of the same with the following amendment:

Page 1, line 5, inclose the word "a" in brackets and insert thereafter the word "the", and after the word "salary" insert a bracket; also, after the word "you" insert a bracket and the words "provided by section two hundred and fifty-eight of the code of civil procedure as the same now is or may hereafter be amended", underscored.

ROBERT J. FISH,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Phillips, Int. No. 301, entitled "An act to amend chapter 8 of title 10 of the Penal Code relative to the possession of lottery tickets " (No. 301), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 2, line 6. after the word "September" insert the word "first".

JESSE S. PHILLIPS,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. La Rue, Int. No. 125, entitled "An act to amend the Code of Civil Procedure in relation to the Supreme Court reporter " (No. 107), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Strike out all after the enacting clause and insert the following :

Section 1. The code of civil procedure is hereby amended by inserting a new section, to be section two hundred and forty-four and to read as follows :

§ 244. The justices of the appellate divisions of the supreme court shall meet in convention at the capitol in the city of Albany, on the third Monday in June, nineteen hundred and five at twelve o'clock noon, for the purpose of appointing a supreme court reporter as hereinafter provided. The secretary of state shall serve a written or printed notice of such meeting, either personally or by mail, upon each of the justices of the appellate divisions of the supreme court, at least two weeks before such meeting. When so convened, said justices, by a majority of those present, shall appoint a supreme court reporter to hold office for a term of five years and until his successor is appointed and qualifies, said term to commence at the expiration of the term of office of the present supreme court reporter. Said justices of the appellate divisions of the supreme court must thereafter meet in convention at the capitol in the city of Albany, at noon of the day when the term of office of the supreme court reporter expires, for the purpose of appointing a supreme court reporter in his place. If that day is a Sunday or a public holiday, the convention must be held at the same time and place on the first day thereafter not being Sunday or a public holiday. If the appointment is not made at such a meeting, it may be made at a special meeting of the convention held as prescribed in the next section. The supreme court reporter may be removed for cause by the justices of the appellate divisions of the supreme court or a majority of such of them as attend at a convention held as prescribed in the next section. An appointment or removal must be in writing. It must be signed by the justices making it, and filed in the office of the secretary of state.

§ 2. Section two hundred and forty-five of the code of civil procedure is hereby amended to read as follows :

§ 245. [The term of office of the supreme court reporter is five years from the time of his appointment, and until his successor is appointed and qualifies. He must be appointed and may be removed for cause by the justices of the appellate divisions of the supreme court or a majority of such of them as attend at a convention, held as prescribed in the next two sections. An appointment or removal must be in writing, it must be signed by the justices making it and filed in the office of the secretary of state; otherwise it is of no effect.] A special meeting of the convention for the appointment or removal of a supreme court reporter must be held at the capitol in the city of Albany, but it may be adjourned to any other place. It may be called by a

presiding justice by a written or printed notice stating the object of the meeting and served personally or through the post-office, upon each of the justices of the appellate divisions of the supreme court, at least two weeks before the time specified therefor. If the object of the meeting is to consider the question of the removal of the supreme court reporter, the notice must be accompanied with a copy of the grounds alleged for the removal, and both must be served upon the supreme court reporter, personally or by leaving them at his last place of residence with some person of suitable age and discretion, at least ten days before the time appointed for the meeting. The supreme court reporter may be removed at such special meeting.

§ 3. Section two hundred and forty-six of the code of civil procedure is hereby amended so as to read as follows:

§ 246. [The justices of the appellate divisions of the supreme court must meet in convention at the capitol in the city of Albany, at noon of the day when the term of office of the supreme court reporter expires, for the purpose of appointing a supreme court reporter in his place. If the day is a Sunday or a public holiday, the convention must be held at the same time, and place on the first day thereafter not being Sunday or a public holiday. If an appointment is not made at such a meeting, it may be made at a special meeting of the convention held as prescribed in the next section. The supreme court reporter may be removed at such special meeting.] The supreme court reporter must report every cause determined in the appellate divisions of the supreme court which the presiding justice of the appellate division wherein such cause is decided directs, or which the public interest, in his judgment, requires him to report. To enable him to perform that duty, the justices of said appellate divisions must immediately deliver to him the written opinions, or certified copies thereof, rendered in each cause so determined. Each decision of the court which is reported must be so reported as soon as practicable after it is made. The supreme court reporter must prepare for each volume and cause to be published therewith, the usual digest, head notes, table of contents and index, and on the appointment of his successor, must deliver to him all papers in his hands pertaining to a cause which he has not reported, or which are not necessary to be retained by him to complete the publication of a volume which is then partly printed. Said supreme court reporter after the expiration of his term of office, shall not deliver a paper specified in this section or a copy thereof, to any person other than his successor in office, or the publisher of a partly printed volume, except that a copy of such paper may be furnished by him during a vacancy in the office, to a justice of the supreme court or to the attorney for a party to the cause

to which it relates. Such supreme court reporter must deposit with the clerk of each appellate division all opinions delivered to him from such appellate divisions which are not to be reported, immediately after the publication of the reports of the other causes decided at the same time. They must be properly filed and preserved by such clerks.

§ 4. Section two hundred and forty-seven of the code of civil procedure is hereby amended so as to read as follows:

§ 247. [A special meeting of the convention, for the appointment or removal of a supreme court reporter must be held at the capital in the city of Albany, but it may be adjourned to any other place. It may be called by a presiding justice by written or printed notice stating the object of the meeting, and served personally or through the postoffice, upon each of the justices of the appellate divisions of the supreme court at least two weeks before the time appointed therefor. If the object of the meeting is to consider the question of the removal of the supreme court reporter, the notice must be accompanied with a copy of the grounds alleged for the removal, and both must be served upon the supreme court reporter personally, or by leaving them at his last place of residence, with some person of suitable age and discretion, at least ten days before the time appointed for the meeting.] The supreme court reporter shall not have any pecuniary interest in the reports, but a contract for the publication thereof under his supervision, must from time to time be made in behalf of the people by said supreme court reporter, subject to the approval of the presiding justices of the appellate divisions, with the person or persons who agree to furnish to the secretary of state so many copies of each volume as may be needed to enable him to comply with section two hundred and thirteen of the code of civil procedure, and also to publish and sell the reports on terms the most advantageous to the public, regard being had to the proper execution of the work, and at a price not exceeding two dollars for a volume of not less than seven hundred pages. Each contract so entered into must provide for the publication of the reports for five years from the expiration of the time specified for that purpose in the last contract or from the abrogation thereof. If the supreme court reporter determines that a contract has not been faithfully kept by the person or persons agreeing so to publish the reports, such reporter may, by an instrument in writing under his hand, approved by the presiding justices of the appellate divisions, filed in the office of the secretary of state, annul the same from a time specified in the instrument, and thereupon immediately enter into a new contract, likewise to be approved by the presiding justices of the appellate divisions, for the publication of the reports.



for five years from the time so specified. Before entering into a contract the supreme court reporter must advertise for, receive and consider proposals for the publication of the reports. The supreme court reporter may also cause advance sheets of reports to be published at not to exceed fifty cents a volume: he must cause the reports published as prescribed herein, to be kept constantly for sale to persons within the state at the price provided for in said contract.

§ 5. Section two hundred and forty-eight of the code of civil procedure is hereby amended so as to read as follows:

§ 248. In each cause heard by the appellate division of the supreme court, the attorney or counsel for each party must deliver to the clerk of said appellate division, for the use of the supreme court reporter, a duplicate of each paper furnished by him for the use of the court. The clerk must collect such papers from the counsel; and immediately [after the adjournment of the term, he must] transmit them, [and certified copies of all the decisions, made at that term.] to the supreme court reporter, [at the latter's expense. Each judge who renders a written opinion in a cause decided by the appellate division, must transmit it, or a certified copy thereof, to the supreme court reporter, who must pay the expense of transmission, and also, where a copy is transmitted, the expense of copying, not exceeding eight cents for each folio.]

§ 6. Section two hundred and forty-nine of the code of civil procedure is hereby amended so as to read as follows:

§ 249. [The supreme court reporter is not entitled to a salary. He must report and publish such of the decisions at the terms of the appellate divisions or special terms of the court as he deems it for the public interest to have reported. He must also report and publish the decisions in a particular cause, which the court, at a term of the appellate division or special term, specially directs him to report. He must prepare for each volume and cause to be published therewith, the usual digest, head notes, tables of contents and index.] Neither the supreme court reporter nor any other person shall obtain a copyright for the opinions contained in the reports, and the same may be published by any person, but the copyright of the statements of facts of the head notes and of all other notes or references published by the supreme court reporter must be taken by and shall be vested in the secretary of state for the benefit of the people of the state. The secretary of state shall distribute the reports so furnished him as specified in section two hundred and forty-seven as provided in section two hundred and thirteen of the code of civil procedure.



§ 7. Section two hundred and fifty of the code of civil procedure is hereby amended so as to read as follows:

§ 250. [The supreme court reporter must cause the reports, published as prescribed in the last section to be kept constantly for sale to persons within the state, at a price not exceeding two dollars, for a bound volume of not less than seven hundred pages. He may also cause advance sheets to be published at not to exceed fifty cents a volume. He must cause a copy of each volume of the reports as soon as printed to be delivered to each judge of the court of appeals, and each justice of the supreme court, and to each county judge during his term of office.] The supreme court reporter shall receive an annual salary of five thousand dollars, payable quarterly and in addition thereto such allowances for clerk hire and office expenses as the legislature shall from time to time direct.

§ 8. This act shall take effect immediately.

JESSE S. PHILLIPS,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Phillips, from the committee on codes, to which was referred the Assembly bill introduced by Mr. Pendry, Int. No. 55, entitled "An act to amend section 58 of the Code of Civil Procedure" (No. 55), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Amend the title by striking out the words, "section fifty-eight of," and after the word "procedure" add the words "in relation to the Brooklyn law school of St. Lawrence university."

JESSE S. PHILLIPS,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Ellis, Int. No. 35, entitled "An act to prohibit the construction of elevated or surface railroad or railroads on any public park in any city of over 1,000,000 inhabitants or over without the consent and approval of the mayor and common council of said city" (No. 35), reported the same with the following amendments, and request that said bill be recommitted to said committee:

In second line of title after the word "park" insert the words "or public place," and in the fourth line after the word "and" strike out the words "common council" and insert in place thereof the words "board of aldermen."

Page 1, line 5, strike out all after the word "mayor" and insert the words "and an affirmative vote of three-fourths of the whole membership of the board of alderman of said city is hereby prohibited."

"§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

"§ 3. This act shall take effect immediately."

JESSE S. PHILLIPS,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Lewis from the committee on insurance, to which was referred the bill introduced by Mr. Reeve, Int. No. 177, entitled "An act to continue and extend the charter of the Suffolk County Mutual Insurance Company" (No. 178), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wade, from the committee on taxation and retrenchment, to which was referred the bill introduced by Mr. Wade, Int. No. 241, entitled "An act to amend the Tax Law, in relation to the time of making assessment" (No. 241), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Sheldon, from the committee on public health, to which was referred the bill introduced by Mr. Sheldon, Int. No. 291, entitled "An act to amend the Poor Law, in relation to the relief of Indians in case of epidemic" (No. 289), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Wade, Int. No. 250, entitled "An act to amend chapter 480 of the Laws of 1894, entitled 'An act in relation to the village of Fredonia, in relation to the collector'" (No. 250), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Patton, Int. No. 197, entitled "An act to amend chapter 30 of the Laws of 1904, entitled 'An act providing for the planting of shade trees in the village of Kenmore, county of Erie,' by authorizing a petition of property holders on a portion of a street " (No. 197), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of third reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. G. H. Whitney, Int. No. 194, entitled "An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to tax propositions at village elections" (No. 194), reported in favor of the passage of the following substitute bill:

AN ACT to amend chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate, and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," relative to elections, the submission of tax propositions, and the qualifications of voters.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section seventeen of title two of chapter one hundred and six of the laws of eighteen hundred and ninety-one, entitled "An act to revise, consolidate, and amend the several acts relating to the village of Mechanicville, and to repeal certain acts," is hereby amended to read as follows:

§ 17. [No person shall] To entitle a person to vote upon any proposition to raise a tax or appropriate money [the same, unless] he shall at the time be an elector of said village, and [unless he was] shall be assessed on the last assessment roll of said village for real or personal property. A woman who possesses the qualifications to vote for village officers, except the qualification of sex, who is the owner of property in such village, assessed upon the last preceding assessment-roll thereof, shall be entitled to vote upon a proposition to raise a tax or appropriate money.

§ 2. Section three of title three of such chapter is hereby amended to read as follows:

§ 3. Before any tax shall be voted for at any such meeting, a notice shall be published by order of the trustees, and signed by

the president or clerk, for at least ten days before such meeting by posting up such notice in at least five public places in each ward in said village, stating that the meeting will be called upon to vote for a tax, also the amount to be raised, the time of and place where such meeting will be held, and the time of opening and closing of polls. [The vote thereon shall be taken by ballot which shall have on the inside the words for the tax, or against the tax and deposited in a separate box, to be labeled village tax. Said] All votes upon tax propositions submitted at any such meeting shall be by ballot, and the provisions of the election law, relating to ballots and ballot boxes for the submission of propositions at an election shall apply to the submission of such propositions so far as the same may be made applicable thereto. Special meetings called to vote for the raising of money for any village purpose shall be held in one election district and shall be conducted, except as otherwise provided herein, in the same manner as an annual election. The result of such meeting shall be canvassed by the inspectors appointed as provided in this section, and such inspectors shall openly declare such result, and shall make and subscribe a certificate of such canvass, which shall show the whole number of votes cast, and the number cast for and against each proposition submitted at such meeting. Such certificate shall be filed by one of such inspectors, designated for that purpose, in the office of the village clerk. The polls at such meetings shall open at [twelve] six o'clock forenoon, and close at [three] five o'clock in the afternoon of that day. [The trustees of said village shall be inspectors of election at all of such meetings, and in their absence the electors may appoint such inspectors, as provided in section seven, title two, of this act] The trustees of said village shall appoint two inspectors of election, who shall be resident electors of said village, and qualified to vote upon propositions to be submitted at such meetings. Such inspectors may appoint a resident elector of said village, qualified to vote upon such propositions as clerk of the poll. In the absence of said inspectors, or either of them, the electors may appoint such inspector or inspectors, as provided in section seven of title two of this act, and such inspectors may appoint a clerk of the poll.

§ 3. This act shall take effect immediately.

A. B. STEELE,

*Chairman.*

Which report was agreed to, and said substitute bill ordered printed and placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was

referred the following entitled bills, reported the same without recommendations:

“An act to provide for the building of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof.” (No. 221, Int. No. 221.)

“An act to amend chapter 394 of the Laws of 1895, entitled ‘An act to revise the charter of the city of Oswego’ by authorizing the issue of bonds to provide for a supply of water from Lake Ontario.” (No. 143, Int. No. 143.)

“An act relating to the equipment of the organized militia, and to authorize the sale of certain equipment to the United States, and providing for the disposition of the proceeds of such sale.” (No. 285, Int. No. 285.)

Ordered, That said bills be engrossed for a third reading.

The bill (No. 292) entitled “An act to amend the forest, fish and game law, in relation to close season for woodcock and grouse in the county of Tioga” (Int. No. 165), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Knapp	Phillips	Steele
Allen F E	Donovan	La Rue	Plank	Stevens
Allen J G	Ellis	Leggett	Pratt	Tenjust
Apgar	Etzel	Machacek	Prince	Thompson J A
Bass	Everett	Maier	Quinn	Thonet
Becker	Fish	Malloy	Reeve	Waddell
Beebe	Foelker	Mathews T F	Rigby	Wagner
Beihlf	Foster	McKeown	Rogers	Wadsworth
Bisland	Freidel	Mead	Salcmon	Wainwright
Brady	Fuller	Merritt	Sammon	Wedemeyer
Burnett	Gates	Monroe	Santee	Wemple
Burzynski	Grady	Moreland	Scovill	Whitney F G
Cadin	Gray	Newton	Shanahan	Whitney G H
Callahan	Hackett	Nugent	Sheldon	Wilsnack
Carrier	Hanford	O'Neill	Sherry	Wilson
Charles E E	Hapeman	Palmer	Slocum	Wolf



Cooke	Hartman	Parker	Smith A E	Wood F C
Coon	Hooker	Patton	Smith J E	Wood F X
Coutant	Hooper	Perham	Smith R H	Yale
Cowan	Hubbs	Perry	Standart	Young
Cunningham	Hurd			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 160), entitled "An act making appropriations to the State Commissioner of Excise for the payment of refunds on surrender of liquor tax certificates, and for judgments" (Int. No. 160), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hornidge	Phillips	Steele
Allen F E	Dale	Hubbs	Plank	Stevens
Allen J G	Donovan	Kavanaugh	Pratt	Sullivan
Anderson	Dowling	Knapp	Prentice	Tenjest
Apgar	Etsel	La Fetra	Reeve	Thompson G F
Bass	Evans	Leggett	Reilly	Thompson J A
Bedell	Everett	Lewis	Rigby	Thonet
Beebe	Fitzsimons	Machacek	Rogers	Tompkins
Bird	Foelker	Malloy	Solomon	Wade
Bisland	Francisco	Mathews T F	Sammon	Wagner
Brooks	Freidel	McKeown	Santee	Wadsworth
Burnett	Fuller	McManus	Schoeneck	Wainwright
Burns	Gates	Merritt	Scovill	West
Byrne	Grady	Miller	Sheehy	Wemple
Cadin	Gray	Moreland	Sheldon	Whitney F G
Cahn	Gurnett	Murphy	Sherry	Wiegand
Carrier	Hammond	Nugent	Shuttleworth	Wilsnack
Caughlan	Hanford	Ogden	Smith A P	Wilson
Charles E E	Hapeman	Palmer	Smith J E	Wood F C
Charles W B	Hartman	Patton	Smith J T	Wood F X
Coon	Hooker	Pendry	Smith R H	Yale
Cotton	Hooper	Perham	Standart	Young
Cowan				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 191) entitled "An act to legalize the official acts of Benjamin E. Western, a justice of the peace of the town of Norway, county of Herkimer" (Int. No. 191), was read the second time.

On motion of Mr. Steele, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 42) entitled "An act to amend section 110 of chapter 560 of the Laws of 1904, entitled 'An act to revise the charter of the city of Rome'" (Int. No. 42), was read the second time.

On motion of Mr. Evans, said bill was placed on the order of third reading.

On motion of Mr. Evans, and by unanimous consent, said bill was read the third time, having been printed and on the desk of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100  
NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hornidge	Perham	Standart
Allen F E	Cox	Hurd	Phillips	Steele
Allen J G	Cunningham	Kavanugh	Plank	Sullivan
Anderson	Dodd	La Fetra	Pratt	Tenjost
Apgar	Dowling	Lewis	Prince	Thompson G F
Becker	Ellis	Machacek	Quinn	Thonet
Beebe	Evans	Malloy	Reilly	Waddell
Beihlf	Fish	Mathews T F	Rogers	Wade
Bisland	Fitzsimons	McKeown	Rosenstein	Wadsworth
Brooks	Foster	McManus	Salomon	Wainwright
Burnett	Francisco	Mead	Sammon	West
Burzynski	Fuller	Miller	Schoeneck	Wemple
Byrne	Gates	Monroe	Scovill	Whitney F G
Cadin	Grady	Moreland	Sheehy	Wiegand
Callahan	Gray	Newton	Sheldon	Wilsnack
Carrier	Gurnett	Nugent	Shuttleworth	Wilson
Caughlan	Hammond	O'Neill	Slocum	Wolf
Charles W B	Hapeman	Palmer	Smith A E	Wood F X
Cooke	Hastings	Parker	Smith J E	Yale
Cotton	Hooker	Pendry	Smith R H	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 27) entitled "An act to amend chapter 17 of the laws of 1903, entitled 'An act to authorize the city of Jamestown to acquire and maintain a water supply system,' in relation to the compensation which may be paid to the treasurer of the

city of Jamestown for his services in receiving water rents" (Int. No. 27), was read the second time.

On motion of Mr. Wade, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 18), entitled "An act to amend the Greater New York charter, relative to the fund for street and park openings" (Int. No. 18), was read the second time.

On motion of Mr. La Fetra, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 6), entitled "An act to amend the Greater New York charter relative to special revenue bonds" (Int. No. 6), was read the second time.

On motion of Mr. Ellis, said bill was placed on the order of third reading.

On motion of Mr. Ellis, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Kavanaugh	Parker	Steele
Allen F E	Dale	La Fetra	Pendry	Stevens
Allen J G	Donovan	La Rue	Perry	Tenjost
Anderson	Ellis	Leggett	Plank	Thompson G F
Apgar	Everett	Lewis	Platt	Thonet
Becker	Fitzsimons	Machacek	Prentice	Tompkins
Bedell	Foelker	Maier	Quinn	Wade
Beihliff	Francisco	Malloy	Reilly	Wagner
Bird	Fuller	Mathews T F	Rigby	Wainwright
Brady	Gardner	Matthews C R	Rosenstein	Wedemeyer
Brooks	Gates	McKeown	Salomon	West
Burnett	Grattan	McManus	Santee	Whitney F G
Burns	Gray	Merritt	Scovill	Whitney G H
Byrne	Hackett	Miller	Shanahan	Wilsnack
Cahn	Hammond	Monroe	Sheehy	Wilson
Callahan	Hapeman	Moreland	Sherry	Wolf
Carrier	Hartman	Murphy	Slocum	Wood F C
Charles E E	Hooker	Newton	Smith A P	Wood F X
Charles W B	Hooper	Ogden	Smith J T	Yale
Coon	Hornidge	O'Neill	Smith R H	Young
Cotton	Hurd	Palmer]	Standart	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 4) entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,'" in relation to salary of clerk of said city (Int. No. 4), was read the second time.

On motion of Mr. Grattan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 3) entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (Int. No. 3), was read the second time.

On motion of Mr. Grattan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 98) entitled "An act to provide for the enrollment of the electors in the third, fourth and fifth election districts of the second assembly district of the borough of Queens" (Int. No. 98), was read the second time.

On motion of Mr. Wilsnack, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 43) entitled "An act authorizing the city of Rome to issue bonds for the purpose of paying for extending and constructing street improvements" (Int. No. 43), was read the second time.

On motion of Mr. Evans, said bill was placed on the order of third reading.

On motion of Mr. Evans and by unanimous consent said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 121

NOES 00

Those who voted in the affirmative were:

Agnew	Cooke	Gurnett	Newton	Sherry
Allen F E	Coon	Hammond.	Nugent	Shuttleworth
Allen J G	Cotton	Hanford	Ogden	Slocum
Anderson	Coutant	Hartman	O'Neill	Smith A P
Apgar	Cowan	Hastings	Palmer	Smith J E
Bass	Cox	Hooper	Parker	Smith R H
Becker	Cunningham	Hornidge	Patton	Standart
Bedell	Dale	Hubbs	Pendry	Steele
Beebe	Dodd	Hurd	Perham	Sullivan
Beihliff	Dowling	Knapp	Perry	Tenjust
Bird	Ellis	La Fetra	Phillips	Thompson G F
Bisland	Etzel	Leggett	Platt	Thonet
Brady	Evans	Lewis	Pratt	Waddell
Brooks	Everett	Maier	Prentice	Wade
Burnett	Fish	Malloy	Quinn	Wadsworth
Burns	Fitzsimons	Mathews T F	Reeve	Wainwright
Burzynski	Foelker	McKeown	Rigby	West
Byrne	Foster	McManus	Rogers	Wemple
Cadin	Freidel	Mead	Salomon	Whitney F G
Cahn	Fuller	Merritt	Sammon	Wiegand
Callahan	Gardner	Miller	Santee	Wilson
Carrier	Gates	Monroe	Schoeneck	Wolf
Caughlan	Grattan	Moreland	Scovill	Wood F C
Charles E E	Gray	Murphy	Sheehy	Wood F X
Charles W B				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 131) entitled "An act to amend the Greater New York charter, relative to the court of special sessions" (Int. No. 131), was read the second time.

On motion of Mr. Prentice, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 148) entitled "An act to amend chapter 108 of the Laws of 1904, so as to authorize the issue of corporate stock of the city of New York, instead of revenue bonds" (Int. No. 148), was read the second time.

On motion of Mr. Hornidge, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 153) entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (Int. No. 153), was read the second time.

On motion of Mr. La Fetra, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 150) entitled "An act to amend the Greater New York charter, relative to finances by amending sections 420 and 544 thereof" (Int. No. 150), was read the second time.



On motion of Mr. Hornidge, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 154) entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (Int. No. 154), was read the second time.

On motion of Mr. La Fetra, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 157) entitled "An act in relation to an additional water supply for the city of Albany" (Int. No. 157), was read the second time.

On motion of Mr. Mead, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 188) entitled "An act to authorize the board of estimate and apportionment of the city of New York to appropriate money for the New York City Reformatory of Misdemeanants and the board of said reformatory" (Int. No. 188), was read the second time.

On motion of Mr. Hornidge, said bill was placed on the order of third reading.

On motion of Mr. Hornidge, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

Agnew	Cooke	Grattan	Moreland	Schoeneck
Allen F E	Coon	Gray	Murphy	Scovill
Allen J G	Cotton	Gurnett	Newton	Sheehy
Anderson	Coutant	Hackett	Nugent	Sherry
Apgar	Cowan	Hanford	Ogden	Shuttleworth
Bass	Cox	Hapeman	O'Neill	Smith A P
Becker	Cunningham	Hartman	Palmer	Smith A E
Bedell	Dale	Hooker	Patton	Smith J T
Beebe	Dodd	Hooper	Pendry	Smith R H
Bihlf	Donovan	Hubbs	Perham	Stanley
Fird	Dowling	Hurd	Perry	Stevens
Bisland	Ellis	Knapp	Phillips	Tenjost
Brady	Etzel	La Rue	Plank	Thompson G F

Brooks	Evans	Leggett	Platt	Thonet
Burnett	Everett	Machacek	Pratt	Tompkins
Burns	Fish	Maier	Prentice	Waddell
Burzynski	Fitzsimons	Mathews T F	Prince	Wade
Byrne	Foelker	Matthews C R	Quinn	Wadsworth
Cadin	Foster	McKeown	Reilly	West
Cahn	Francisco	McManus	Rigby	Whitney F G
Callahan	Freidel	Mead	Rogers	Wiegand
Carrier	Fuller	Merritt	Rosenstein	Wilsnack
Caughlan	Gardner	Miller	Salomon	Wolf
Charles E E	Gates	Monroe	Sammon	Wood F C
Charles W B	Grady			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 206) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to filling vacancies in office of mayor" (Int. No. 206), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 207) entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of completing the abatement of all nuisance in the Main and Hamburg, Ohio Basin and Clark and Skinner canals" (Int. No. 207), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 239) entitled "An act to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1, 1906, and for which no provision has been made in the sinking fund" (Int. No. 239), was read the second time.

On motion of Mr. Rigby, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 255), entitled "An act to regulate the taking of ducks, geese, brant, and swan in the county of Monroe, and to amend chapter 20 of the Laws of 1900, entitled 'An act for the protection of the forests, fish and game of the State, constituting chapter 31 of the general laws' by adding a section to be known as section 20-b" (Int. No. 223), was read the second time.

On motion of Mr. Beebe, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 249) entitled "An act to amend the Forest, Fish and Game Law, in relation to the meshes of nets used in Lake Erie" (Int. No. 249), was read the second time.

On motion of Mr. Wade, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 243) entitled "An act to amend the Forest, Fish and Game Law, in relation to set lines in Hemlock lake" (Int. No. 243), was read the second time.

On motion of Mr. Wadsworth, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 262) entitled "An act to amend the Forest, Fish and Game Law, in relation to muskallonge" (Int. No. 262), was read the second time.

On motion of Mr. Foster, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 278) entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season for squirrels, grouse, woodcock and quail in Chautauqua county" (Int. No. 278), was read the second time.

On motion of Mr. Wade, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 183) entitled "An act to authorize the erection of an addition to present school building by the Palmyra Classical Union School in school district No. 1, in the town of Palmyra, and to provide for the payment therefor" (Int. No. 182), was read the second time.

On motion of Mr. A. P. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 296) entitled "An act authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains Hospital Association of White Plains" (Int. No. 296), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 123) entitled "An act to amend an act, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties

and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor" (Int. No. 123), was read the second time.

On motion of Mr. Mead, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 129) entitled "An act to amend chapter 744 of the Laws of 1904 in relation to the expense of publishing notice of tax sale in Niagara county" (Int. No. 129), was read the second time.

On motion of Mr. Leggett, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 70) entitled "An act to change the name of 'the East Avenue Presbyterian Church of the city of Schenectady' to 'the State Street Presbyterian Church of the city of Schenectady'" (Int. No. 70), was read the second time.

On motion of Mr. Wemple, said bill was placed on the order of third reading and referred to the committee on revision.

Mr. Bedell offered for the consideration of the House a resolution, in the words following:

Resolved, That the Clerk of the Assembly be and hereby is authorized and directed to purchase 13 copies of "Statutory Revision of the Laws of New York Affecting Railroads," for the use of the railroad committee at an expense not to exceed \$26, to be paid for out of the contingent fund of the House on the certificate of the Clerk.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115.

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hanford	Nugent	Smith A P
Allen F E	Cowan	Hapeman	Ogden	Smith A E
Allen J G	Cox	Hartman	Palmer	Smith J T
Anderson	Cunningham	Hastings	Parker	Smith R H
Apgar	Dodd	Hooper	Patton	Standart
Bass	Donovan	Hubbs	Pendry	Stanley

Bedell	Dowling	Hurd	Perham	Stevens
Beebe	Ellis	Kavanaugh	Perry	Tenjest
Bird	Etzel	Knapp	Plank	Thompson G F
Bisland	Evans	La Fetra	Platt	Thonet
Brady	Fish	La Rue	Prentice	Tompkins
Brooks	Fitzsimons	Leggett	Reeve	Waddell
Burnett	Foster	Machacek	Reilly	Wagner
Burns	Francisco	Maier	Rigby	Wadsworth
Burzynski	Freidel	Malloy	Rosenstein	Wedemeyer
Byrne	Fuller	Mathews T F	Sammon	West
Cahn	Gardner	McKeown	Santee	Whitney F G
Callahan	Gates	Mead	Schoeneck	Whitney G H
Carrier	Grady	Merritt	Shanahan	Wiegand
Caughlan	Grattan	Miller	Sheehy	Wilsnack
Charles W B	Gray	Moreland	Sheldon	Wolf
Cooke	Gurnett	Murphy	Shuttleworth	Wood F C
Coon	Hammond	Newton	Slocum	Wood F X

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment.

“An act to legalize the official acts of the Bergen fire department.” (No. 31, Int. No. 31.)

“An act to legalize the acts of James C. Sheldon, a notary public.” (No. 34, Int. No. 34.)

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Rogers, the House adjourned.

## FRIDAY, FEBRUARY 3, 1904.

The House met pursuant to adjournment.

Mr. Burnett in the chair.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Apgar, the reading of the journal of yesterday was dispensed with and the same was approved..

Mr. Speaker presented the twentieth annual report of the Northern New York Institution for Deaf-Mutes, which was laid upon the table and ordered printed.

(See Document.)

Also, the first annual report of the Board of Managers of the New York State Training School for Girls, which was laid upon the table and ordered printed.

(See Document.)



Mr. Agnew introduced a bill entitled "An act to amend section 2615 of the Code of Civil Procedure relating to the probate of wills" (Int. No. 409), which was read the first time and referred to the committee on codes.

Mr. Bedell introduced a bill entitled "An act in relation to the right of resident property owners to vote at special tax elections in cities of the third class" (Int. No. 410), which was read the first time and referred to the committee on the judiciary.

Mr. Leggett introduced a bill entitled "An act to confer jurisdiction upon the board of education of the city of Niagara Falls to hear, audit, determine and pay the alleged claim of Edward Liefer, an infant, and Max Liefer, against said board of education, for damages alleged to have been sustained by them through the negligence of said board" (Int. No. 411), which was read the first time and referred to the committee on public education.

Mr. Monroe introduced a bill entitled "An act to provide for the payment of the extraordinary expenses and disbursements which shall hereafter be paid or incurred while in the discharge of their duty by the trial justices of the Supreme Court respectively, except those who reside within the first and second judicial department" (Int. No. 412), which was read the first time and referred to the committee on ways and means.

Mr. Ogden introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the city of Rochester against the State of New York for assessments for local improvements levied and assessed against the State of New York" (Int. No. 413), which was read the first time and referred to the committee on claims.

Mr. Prince introduced a bill entitled "An act to amend chapter 508 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' in relation to the payment of money collected by marshals" (Int. No. 414), which was read the first time and referred to the committee on the judiciary.

Mr. G. F. Thompson introduced a bill entitled "An act to amend the Indian Law, in relation to the distribution and descent of property" (Int. No. 415), which was read the first time and referred to the committee on Indian affairs.

Mr. Wainwright introduced a bill entitled "An act to amend the Greater New York charter, relative to the powers of the board of estimate and apportionment" (Int. No. 416), which was read the first time and referred to the committee on affairs of cities.

Mr. Wagner introduced a bill entitled "An act to amend the Penal Code, relative to discrimination and other frauds in the management of places of public entertainment and amusement" (Int. No. 417), which was read the first time and referred to the committee on codes.

Mr. Young introduced a bill entitled "An act to amend the Greater New York charter, relative to certain officers of the municipal court of the city of New York" (Int. No. 418), which was read the first time and referred to the committee on affairs of cities.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wade, Int. No. 242, entitled "An act to amend the Town Law, in relation to fees of supervisors" (No. 242), reported in favor of the passage of the same with the following amendments:

Page 1, line 8, after the second "the" insert a bracket; also, after the word "counties" insert a bracket; also, insert after the brackets the word "county."

Same page, line 9, after the word "Orange" insert a bracket, and after the word "Yates" insert a bracket.

S. PERCY HOOKER,

*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to salary of clerk of said city." (No. 4, Int. No. 4.)

"An act to amend the Greater New York charter, relative to the court of special sessions." (No. 3, Int. No. 3.)

"An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line." (No. 98, Int. No. 98.)

"An act to amend the Forest, Fish and Game Law, in relation to the meshes of nets used in Lake Erie." (No. 249, Int. No. 249.)

"An act to change the name of 'the East Avenue Presbyterian Church of the city of Schenectady' to 'the State Street Presbyterian Church of the city of Schenectady.'" (No. 70, Int. No. 70.)

"An act to authorize the city of Buffalo to issue its bonds for the purpose of completing the abatement of all nuisance in the Main and Hamburg, Ohio Basin and Clark and Skinner canals." (No. 207, Int. No. 207.)

"An act to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1, 1906, and for which no provision has been made in the sinking fund." (No. 239, Int. No. 239.)

"An act to amend the Greater New York charter, relative to the fund for street and park openings." (No. 18, Int. No. 18.)

"An act to amend the Greater New York charter, relative to the Court of Special Sessions." (No. 131, Int. No. 131.)

"An act to amend the Forest, Fish and Game Law, in relation to muskallonge." (No. 262, Int. No. 262.)

"An act to amend the Forest, Fish and Game Law, in relation to set lines in Hemlock lake." (No. 243, Int. No. 243.)

"An act authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains Hospital Association of White Plains." (No. 296, Int. No. 296.)

"An act to amend the Forest, Fish and Game Law, in relation to the close season for squirrels, grouse, woodcock and quail in Chautauqua county." (No. 278, Int. No. 278.)

"An act in relation to an additional water supply for the city of Albany." (No. 157, Int. No. 157.)

"An act to amend chapter 17 of the Laws of 1903, entitled 'An act to authorize the city of Jamestown to acquire and main-

tain a water supply system,' in relation to the compensation which may be paid to the treasurer of the city of Jamestown for his services in receiving water rents." (No. 27, Int. No. 27.)

"An act to authorize the erection of an addition to present school building by the Palmyra Classical Union School in school district No. 1, in the town of Palmyra, and to provide for the payment therefor." (No. 183, Int. No. 182.)

"An act to legalize the official acts of Benjamin E. Weston, a justice of the peace of the town of Norway, county of Herkimer." (No. 191, Int. No. 191.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 150), entitled "An act to amend the Greater New York charter, relative to finances by amending sections 420 and 544 thereof" (Int. No. 150), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the Greater New York charter, relative to the deposits made by bidders."

Page 1, line 1, after the word "of" insert the words "the Greater New York charter, as re-enacted by."

Same page, line 3, strike out the words "so as."

Page 2, line 23, strike out the words "so as."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 129) entitled "An act to amend chapter 714 of the Laws of 1904 in relation to the expense of publishing notice of tax sales in Niagara county" (Int. No. 129), reported the same with the following recommendations:

In second line of title after the word "four" insert the words "entitled 'An act to authorize the treasurer of Niagara county to sell property for unpaid taxes.'"

Page 2, underscore the whole of line 16.

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 154) entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (Int. No. 154), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the Greater New York charter, relative to the purchase of land by the board of estimate and apportionment."

Page 1, line 1, after the word "thirty-six-c," insert the words "of the Greater New York charter, as re-enacted by."

Same page, line 3, strike out the words "entitled 'An act to amend the Greater New York charter.'"

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 153) entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (Int. No. 153), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the Greater New York charter, relative to the sale of property at auction."

Page 1, line 1, after the word "fifty-three" insert the words "of the Greater New York charter, as re-enacted by."

Same page, line 3, strike out the words "entitled 'An act to amend the Greater New York.'"

Same page, line 4, strike out the word "charter."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 206) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to filling vacancies in office of



mayor' ” (Int. No. 206), reported the same with the following recommendations:

Page 1, line 3, after the word “Buffalo” insert the words “as amended by chapter eight hundred and five of the laws of eighteen hundred and ninety-five.”

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 148) entitled “An act to amend chapter 108 of the Laws of 1904, so as to authorize the issue of corporate stock of the city of New York, instead of revenue bonds” (Int. No. 148), reported the same with the following recommendations:

Amend the title to read as follows:

“An act to amend chapter one hundred and eight of the laws of nineteen hundred and four, entitled ‘An act to provide for the construction of an extension of the building in the Central park, in the city of New York, occupied by the Metropolitan Museum of Art,’ relative to authorizing the issue of corporate stock of the city of New York, instead of revenue bonds.”

Page 1, line 2, after the word “four” insert the words “entitled ‘An act to provide for the construction of an extension of the building in the Central park, in the city of New York, occupied by the Metropolitan Museum of Art.’”

Same page, line 2, after the word “is” insert the word “hereby,” and strike out the words “so as.”

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 123) entitled “An act to amend an act, entitled ‘An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the the jail in said city,’ in relation to the

salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor" (Int. No. 123), reported the same with the following recommendations:

In first line of title, after the word "amend" insert the words "chapter two hundred and eighteen of the laws of eighteen hundred and eighty-four."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 255) entitled "An act to regulate the taking of ducks, geese, brant, and swan in the county of Monroe, and to amend chapter 20 of the Laws of 1900, entitled 'An act for the protection of the forests, fish and game of the State, constituting chapter 31 of the general laws' by adding a section to be known as section 20-b" (Int. No. 223), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the Forest, Fish and Game Law, relative to taking duck, geese, brant and swan in the county of Monroe."

Page 1, line 4, after the word "adding" insert the word "thereto," and after the word "a" insert the word "new."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems." (No. 327, Int. No. 144.)

"An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of the clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of copyists or recording clerks of current records." (No. 329, Int. No. 67.)

"An act to provide for the building of a bridge or the constructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof." (No. 221, Int. No. 221.)

"An act to amend chapter 394 of the Laws of 1895, entitled 'An act to revise the charter of the city of Oswego' by authorizing the issue of bonds to provide for a supply of water from Lake Ontario." (No. 143, Int. No. 143.)

"An act relating to the equipment of the organized militia, and to authorize the sale of certain equipment to the United States, and providing for the disposition of the proceeds of such sale." (No. 285, Int. No. 285.)

The bill (No. 178) entitled "An act to continue and extend the charter of the Suffolk County Mutual Insurance Company" (Int. No. 177), was read the second time.

On motion of Mr. Reeve, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 241) entitled "An act to amend the Tax Law, in relation to the time of making assessment" (Int. No. 241), was read the second time.

On motion of Mr. Wade, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 197) entitled "An act to amend chapter 30 of the Laws of 1904, entitled 'An act providing for the planting of shade trees in the village of Kenmore, county of Erie,' by authorizing a petition of property holders on a portion of a street" (Int. No. 197), was read the second time.

On motion of Mr. Patton, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 250) entitled "An act to amend chapter 408 of the Laws of 1894, entitled 'An act in relation to the village of Fredonia' in relation to the collector" (Int. No. 250), was read the second time.

On motion of Mr. Wade, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 289) entitled "An act to amend the Poor Law, in relation to the relief of Indians in case of epidemic" (Int. No. 291), was read the second time.

On motion of Mr. Sheldon, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That at 12 o'clock noon on Wednesday the 8th day of February, 1905, the Senate and Assembly meet in joint convention, as provided by law, for the purpose of comparing nominations for the office of Regent of the University in the place of Albert Van Der Veer of the city of Albany, whose term of office is about to expire.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Speaker announced that the appointment of Jessie E. Northrup as stenographer, assigned to the committee on general laws, was made on January 4, 1905, to take effect on said date.

The clerk announced that Thomas Birch, of Albany, heretofore appointed a page, had been removed by him on account of neglect in the performance of his duties, such removal to take effect at the close of the legislative day of February 3, 1905.

On motion of Mr. Apgar, the House adjourned.

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## MONDAY, FEBRUARY 6, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers, the reading of the journal of Friday, February 3, was dispensed with and the same was approved.

Mr. Brady was excused indefinitely.

The privileges of the floor were extended to Hon. Daniel Moran, of Seneca.

Mr. Speaker presented resolutions of the Bronx Bar Association relative to the investigation of the charges against Mr. Justice Hooker, which was referred to the committee on the judiciary.

Mr. Speaker presented the annual report of the River Improvement Commission, which was laid upon the table and ordered printed.

(See Document.)

Mr. Apgar introduced a bill entitled "An act to release to Louisa Walters, widow of William Walters, all the right, title and interest of the people of the State of New York in and to certain real estate situate in the town of North Castle, county of Westchester, State of New York, acquired by escheat or otherwise, upon the death of the said William Walters" (Int. No. 420), which was read the first time and referred to the committee on the judiciary.

Mr. Beihlf introduced a bill entitled "An act to amend section 1269 of the Code of Civil Procedure, relative to the power of a court respecting the docket of its judgments" (Int. No. 421), which was read the first time and referred to the committee on codes.

Mr. Cowan introduced a bill entitled "An act to amend section 2881 of the Code of Civil Procedure, relative to serving summons upon telegraph companies" (Int. No. 422), which was read the first time and referred to the committee on codes.

Mr. Donovan introduced a bill entitled "An act in relation to the city of Troy, and the several departments thereof, authorizing the said city to ascertain, determine, audit and allow the claims of John Riley, William Gaffigan, Stephen Duffy, Morris Mann, John Burke, William H. Evers, Edmund Sheedy and John Crosson, school janitors, employed by the board of school commissioners of the department of public instruction of said city during the year 1900, and to authorize said city to issue its bonds to raise money for the purpose of paying the said claims" (Int. No. 423), which was read the first time and referred to the committee on affairs of cities.

Mr. Hurd introduced a bill entitled "An act to legalize the establishment of union free school district No. 7, of the town of Ramapo, Rockland county, and the acts of the voters and the boards of education thereof, and the issuance and sale of certain



bonds of said district" (Int. No. 424), which was read the first time and referred to the committee on public education.

Mr. McKeown introduced a bill entitled "An act to empower the board of assessors of the city of New York to estimate and allow damages sustained by owners of real property fronting upon streets and avenues approaching the bridge over the Gowanus canal at Hamilton avenue, borough of Brooklyn, in the city of New York" (Int. No. 425), which was read the first time and referred to the committee on affairs of cities.

Mr. Wemple introduced a bill entitled "An act to amend title 10 of chapter 371 of the Laws of 1903, entitled 'An act to amend and consolidate the several acts relative to the city of Schenectady,' by adding a new section in relation to street cleaning" (Int. No. 426), which was read the first time and referred to the committee on affairs of cities.

Mr. F. C. Wood introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to hares and rabbits" (Int. No. 427), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the compensation of game protectors" (Int. No. 428), which was read the first time and referred to the committee on fisheries and game.

Mr. Hornidge introduced a bill entitled "An act authorizing the comptroller of the city of New York to inquire into the claim of Joseph Palladino for services rendered to the mayor, aldermen, and commonalty of the city of New York, as assignee of the contract entered into between James H. Sullivan and said mayor, aldermen and commonalty of the city of New York, for the regulating and grading of Fort George road, from Tenth avenue to Eleventh avenue, in the city of New York" (Int. No. 429), which was read the first time and referred to the committee on affairs of cities.

Mr. La Fetra introduced a bill entitled "An act to amend the Tax Law relative to property exempt from taxation" (Int. No. 430), which was read the first time and referred to the committee on taxation and retrenchment.

Also, a bill entitled "An act to repeal chapter 117 of the Laws of 1901, entitled 'An act to amend the Tax Law in relation to

the taxation of savings banks' " (Int. No. 431), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Steele introduced a bill entitled "An act to abolish the county of Hamilton and to annex the territory thereof to the counties of Franklin, Herkimer and Fulton " (Int. No. 432), which was read the first time and referred to the committee on internal affairs.

The Senate sent for concurrence the following entitled bills:

"An act to legalize the acts of Edward S. More, a notary public " (No. 37, Rec. No. 8), which was read the first time and referred to the committee on the judiciary.

"An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof in relation to the office of treasurer, taxation and assessments " (No. 161, Rec. No. 9), which was read the first time and referred to the committee on affairs of villages.

"An act to amend chapter 155 of the Laws of 1868, entitled 'An act to incorporate the Schoharie and Schenectady Counties Farmers' Mutual Fire Insurance Association,' and the several acts amendatory thereof, relating to insurance against loss by lightning, the kind of property insured, the officers of the corporation, the method of assessing and settling losses, and borrowing money to pay the same, and report of officers " (No. 81, Rec. No. 10), which was read the first time and referred to the committee on insurance.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to amend chapter 480 of the Laws of 1894, entitled 'An act in relation to the village of Fredonia,' in relation to the collector." (No. 250, Int. No. 250.)

"An act to amend chapter 30 of the Laws of 1904, entitled 'An act providing for the planting of shade trees in the village of Kenmore, county of Erie,' by authorizing a petition of property holders on a portion of a street." (No. 197, Int. No. 197.)

"An act to amend the Tax Law in relation to the time of making assessment." (No. 241, Int. No. 241.)

"An act to continue and extend the charter of the Suffolk County Mutual Insurance Company." (No. 178, Int. No. 177.)

"An act to amend the Poor Law in relation to the relief of Indians in case of epidemic." (No. 289, Int. No. 291.)

Ordered, That said bills be engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1, 1906, and for which no provision has been made in the sinking fund." (No. 239, Int. No. 239.)

"An act to change the name of 'the East Avenue Presbyterian Church of the city of Schenectady' to 'the State Street Presbyterian Church of the city of Schenectady.'" (No. 70, Int. No. 70.)

"An act to amend the Greater New York charter relative to the Court of Special Sessions." (No. 131, Int. No. 131.)

"An act to amend chapter 17 of the Laws of 1903, entitled 'An act to authorize the city of Jamestown to acquire and maintain a water supply system,' in relation to the compensation which may be paid to the treasurer of the city of Jamestown for his services in receiving water rents." (No. 27, Int. No. 27.)

"An act in relation to an additional water supply for the city of Albany." (No. 157, Int. No. 157.)

"An act to amend chapter 101 of the Laws of 1881, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter 181 of the Laws of 1875,' relative to the powers of the water commissioners." (No. 347, Int. No. 38.)

"An act to amend the Forest, Fish and Game Law in relation to set lines in Hemlock lake." (No. 243, Int. No. 243.)

"An act to amend the Forest, Fish and Game Law in relation to the close season for squirrels, grouse, woodcock and quail in Chautauqua county." (No. 278, Int. No. 278.)

"An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating

to the government of the city of Cohoes,' in relation to salary of clerk of said city." (No. 4, Int. No. 4.)

"An act to authorize the erection of an addition to present school building by the Palmyra Classical Union School in school district No. 1, in the town of Palmyra, and to provide for the payment therefor." (No. 183, Int. No. 182.)

"An act to authorize the city of Buffalo to issue its bonds for the purpose of completing the abatement of all nuisance in the Main and Hamburg, Ohio basin and Clark and Skinner canals." (No. 207, Int. No. 207.)

"An act to legalize the official acts of Benjamin E. Western, a justice of the peace of the town of Norway, county of Herkimer." (No. 191, Int. No. 191.)

"An act to amend the Forest, Fish and Game Law in relation to muskallonge." (No. 262, Int. No. 262.)

"An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line." (No. 3, Int. No. 3.)

"An act to provide for the enrollment of the electors in the third, fourth and fifth election districts of the Second Assembly district of the borough of Queens." (No. 98, Int. No. 98.)

"An act authorizing the town board of the town of White Plains to appropriate certain moneys to the White Plains Hospital Association of White Plains." (No. 296, Int. No. 296.)

"An act to amend the Forest, Fish and Game Law in relation to the meshes of nets used in Lake Erie." (No. 249, Int. No. 249.)

"An act to amend the Greater New York charter relative to the fund for street and park openings." (No. 18, Int. No. 18.)

"An act to amend section 110 of chapter 560 of the Laws of 1904, entitled 'An act to revise the charter of the city of Rome.'" (No. 42, Int. No. 42.)

"An act authorizing the city of Rome to issue bonds for the purpose of paying for extending and constructing street improvement." (No. 43, Int. No. 43.)

"An act to amend the Greater New York charter relative to special revenue bonds." (No. 6, Int. No. 6.)

"An act to authorize the board of estimate and apportionment of the city of New York to appropriate money for the New York City Reformatory of Misdemeanants and the board of parole of said reformatory." (No. 188, Int. No. 188.)

The bill (No. 285) entitled "An act relating to the equipment of the organized militia, and to authorize the sale of certain equipment to the United States, and providing for the disposition of the proceeds of such sale" (Int. No. 285), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Pendry	Smith R H
Allen F E	Dale	Knapp	Perry	Stanley
Allen J G	Donovan	La Fetra	Plank	Steele
Anderson	Dowling	Lewis	Platt	Sullivan
Apgar	Etzel	Machacek	Pratt	Thompson G F
Becker	Everett	Maier	Prince	Thompson J A
Bedell	Fitzsimons	Mathews T F	Quinn	Tompkins
Beihlf	Foelker	Matthews C R	Reilly	Wade
Bird	Francisco	McKeown	Rogers	Wagner
Bisland	Fuller	Mead	Rosenstein	Wadsworth
Brooks	Gardner	Merritt	Salomon	Wedemeyer
Burnett	Gates	Miller	Santee	Wemple
Burzynski	Grady	Monroe	Schoeneck	Whitney F G
Byrne	Gray	Moreland	Shanahan	Wiegand
Cahn	Gurnett	Newton	Sheldon	Wilsnack
Callahan	Hammond	Nugent	Sherry	Wilson
Carrier	Hapeman	Ogden	Slocum	Wood F C
Charles E E	Hastings	O'Neill	Smith A P	Wood F X
Cooke	Hooker	Palmer	Smith A E	Yale
Cotton	Hornidge	Parker	Smith J E	Young
Cowan	Hurd	Patton		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 327) entitled "An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water



and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems" (Int. No. 144), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	La Rue	Pratt	Stevens
Allen F E	Donovan	Lewis	Prentice	Tenjost
Allen J G	Ellis	Machacek	Quinn	Thompson G F
Anderson	Etzel	Malloy	Reilly	Thompson J A
Bass	Evans	Mathews T F	Rigby	Tompkins
Becker	Fish	Matthews C R	Rogers	Waddell
Beebe	Fitzsimons	McKeown	Rosenstein	Wade
Beihilf	Foster	Mead	Salomon	Wadsworth
Bisland	Freidel	Miller	Sammon	Wedemeyer
Brady	Fuller	Monroe	Santee	West
Burnett	Gates	Moreland	Shanahan	Wemple
Burzynski	Grady	Murphy	Sheehy	Whitney F G
Byrne	Gray	Newton	Sherry	Wiegand
Cahn	Hackett	Ogden	Slocum	Wilsnack
Carrier	Hanford	Palmer	Smith A P	Wilson
Charles E E	Hapenian	Parker	Smith J E	Wolf
Charles W B	Hastings	Pendry	Smith J T	Wood F C
Coon	Hooper	Perham	Smith R H	Wood F X
Coutant	Hubbs	Phillips	Stanley	Yale
Cox	Kavanaugh	Platt	Steele	Young
Cunningham	La Petra			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 329) entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of the clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of copy-

ists or recording clerks of current records" (Int. No. 67), having been announced for a third reading,

On motion of Mr. Thonet, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

The bill (No. 221) entitled "An act to provide for the building of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof" (Int. No. 221), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 165

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hornidge	Parker	Stanley
Allen J G	Dale	Hubbs	Pendry	Steele
Anderson	Donovan	Kavanaugh	Perry	Stevens
Bass	Dowling	Knapp	Phillips	Sullivan
Becker	Etzel	La Fetra	Platt	Tenjust
Beebe	Evans	La Rue	Pratt	Thompson J A
Bird	Everett	Lewis	Prince	Tompkins
Bisland	Foelker	Machacek	Reeve	Waddell
Brady	Foster	Malloy	Reilly	Wade
Burnett	Francisco	Matthews T F	Rogers	Wadsworth
Burns	Fuller	McKeown	Rosenstein	Wainwright
Burzynski	Gardner	McManus	Sammon	Wedemeyer
Byrne	Grady	Mead	Santee	West
Cahn	Grattan ]	Merritt	Schoeneck	Whitney F G
Callahan	Gray	Miller	Shanahan	Whitney G H
Caughlan	Gurnett	Monroe	Sheehy	Wilsnack
Charles E E	Hackett	Moreland	Sherry	Wilson
Charles W B	Hanford	Murphy	Slocum	Wolf
Coon	Hartman	Nugent	Smith A P	Wood F C
Coutant	Hooker	Ogden	Smith J E	Wood F X
Cowan	Hooper	O'Neill	Smith R H	Yale

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 143) entitled "An act to amend chapter 395, entitled 'An act to revise the charter of the city of Oswego,' by authorizing the issue of bonds to provide for a supply of water

from Lake Ontario" (Int. No. 143), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooper	Parker	Steele
Allen F E	Cunningham	Hornidge	Pendry	Stevens
Anderson	Dale	Hubbs	Perham	Sullivan
Apgar	Donovan	Kavanaugh	Phillips	Thompson G F
Bass	Dowling	Knapp	Plank	Thompson J A
Becker	Etsel	La Rue	Platt	Thonet
Beebe	Everett	Leggett	Prentice	Waddell
Beihliff	Fish	Machacek	Quinn	Wade
Bird	Fitzsimons	Maier	Reeve	Wagner
Bisland	Foelker	Malloy	Rigby	Wadsworth
Brooks	Francisco	Mathews T F	Rogers	Wainwright
Burnett	Freidel	McKeown	Salomon	West
Burzynski	Fuller	McManus	Santee	Wemple
Byrne	Gates	Merritt	Seovill	Whitney F G
Cahn	Grady	Miller	Shanahan	Whitney G H
Callahan	Grattan	Monroe	Sheldon	Wilsnack
Caughlan	Gray	Moreland	Sherry	Wilson
Charles E E	Hackett	Murphy	Slocum	Wolf
Charles W B	Hammond	Nugent	Smith A P	Wood F C
Coon	Hapeman	Ogden	Smith J E	Wood F X
Cotton	Hartman	O'Neill	Smith R H	Yale
Coutant	Hooker	Palmer	Standart	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Merritt moved to take from the table his resolution of January 30, in reference to rebates.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. West offered for the consideration of the House a resolution, in the words following:

Resolved, That there be printed 500 additional copies of Assembly bill No. 30, entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads," for the use of the Assembly.

Which was read and referred to the committee on public printing.

The Senate returned the bill (No. 24, Senate reprint No. 177) entitled "An act to legalize, ratify and confirm an issue of bonds of the village of Ilion, in the county of Herkimer, in the amount of \$25,000, issued for the purpose of providing funds to enlarge, repair, improve and extend the electric light plant of said village; and to legalize the special election held on September 13, 1904, and all proceedings connected therewith, under which said bonds are issued" (Int. No. 24), with a message that they have concurred in the passage of the same with the following amendments:

Page 2, line 27, strike out the period and insert a comma and the words "but shall not affect any action or proceeding pending in any court at the time of taking effect."

Mr. Steele moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 106

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	La Rue	Perry	Stanley
Allen J G	Donovan	Lewis	Phillips	Steele
Anderson	Ellis	Machacek	Plank	Sullivan
Apgar	Evans	Maier	Pratt	Tenjost
Bass	Fish	Mathews T F	Prentice	Thompson G F
Bedell	Fitzsimons	Matthews C R	Quinn	Thonet
Beebe	Foster	McKeown	Reeve	Tompkins
Beihilf	Freidel	McManus	Reilly	Waddell
Bird	Fuller	Merritt	Rogers	Wagner
Brady	Gates	Miller	Salomon	Wadsworth
Burnett	Grady	Monroe	Sammon	•Wedemeyer
Burns	Gray	Moreland	Santee	West
Burzynski	Hackett	Murphy	Scovill	Whitney F G
Byrne	Hammond	Newton	Sheehy	Whitney G H
Cahn	Hapeman	Nugent	Sheldon	Wiegand

Carrier	Hastings	Ogden	Shuttleworth	Wilson
Caughlan	Hooker	Palmer	Slocum	Wolf
Charles E E	Hornidge	Parker	Smith A P	Wood F C
Cooke	Hurd	Patton	Smith A E	Wood F X
Cotton	Kavanaugh	Pendry	Smith J T	Yale
Coutant	Knapp	Perham	Standart	Young
Cox				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the bill (No. 106) entitled "An act to legalize, ratify and confirm the elections held by the voters of union free school district No. 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds" (Int. No. 106), with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Rogers, the House adjourned.

## TUESDAY, FEBRUARY 7, 1905.

The House met pursuant to adjournment.

Prayer by Rev. W. H. Flouton, Center Brunswick.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Plank was excused until Wednesday.

Mr. Speaker presented the annual report of the State Commission in Lunacy, which was laid upon the table and ordered printed.

(See Document.)



Also, the annual report of the Commissioners of the Land Office in Relation to Escheated Lands, which was laid upon the table and ordered printed.

(See Document.)

Mr. Callahan introduced a bill entitled "An act to authorize the issue and sale of bonds by the city of Rochester, to provide money with which to pay the debt of said city incurred in paying certain interest on the water bonds of said city" (Int. No. 433), which was read the first time and referred to the committee on affairs of cities.

Mr. C. R. Matthews introduced a bill entitled "An act to amend the Penal Code, relative to the sale and use of methyl or wood alcohol" (Int. No. 434), which was read the first time and referred to the committee on codes.

Mr. Rigby introduced a bill entitled "An act to authorize the common council of the city of Mount Vernon to use moneys now in the deficiency fund of said city to pay deficiencies in the sum appropriated for the support of the fire department" (Int. No. 435), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of purchasing sites and erecting buildings for the use of the fire and police departments and to provide a sinking fund to pay principal and interest of said bonds" (Int. No. 436), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 402 of the Laws of 1903, entitled 'An act to repeal title 8 of chapter 182 of the Laws of 1892, entitled "An act to incorporate the city of Mount Vernon, and to insert therein a new title relating to the police department of said city"'" (Int. No. 437), which was read the first time and referred to the committee on affairs of cities.

Mr. Thonet introduced a bill entitled "An act to amend the Agricultural Law, relative to sale and storage of dressed poultry" (Int. No. 438), which was read the first time and referred to the committee on agriculture.

Mr. Wainwright introduced a bill entitled "An act to provide for an additional supply of water to the cities, villages, towns

and water supply districts in the county of Westchester" (Int. No. 439), which was read the first time and referred to the committee on electricity, gas and water supply.

Also, a bill entitled "An act to amend section 30 of article 5 title 8 of chapter 556 of the Laws of 1894 entitled 'An act to revise, amend and consolidate the general acts relating to public instruction'" (Int. No. 440), which was read the first time and referred to the committee on public education.

Mr. Cahn introduced a bill entitled "An act to amend chapter 528 of the Laws of 1902, entitled 'An act to regulate the sales of merchandise in bulk,' relative to notice, as amended by chapter 569 of the Laws of 1904" (Int. No. 441), which was read the first time and referred to the committee on general laws.

Mr. Cotton introduced a bill entitled "An act to amend the Military Code, relative to armories" (Int. No. 442), which was read the first time and referred to the committee on military affairs.

Mr. O'Neill introduced a bill entitled "An act to amend the Greater New York charter, in relation to assessments for widening streets" (Int. No. 443), which was read the first time and referred to the committee on affairs of cities.

Mr. Gardner introduced a bill entitled "An act to provide for the appointment of a deputy county treasurer, for the county of Rensselaer to act in the absence or inability of the treasurer of said county" (Int. No. 444), which was read the first time and referred to the committee on internal affairs.

Mr. Stevens introduced a bill entitled "An act to amend chapter 236 of the Laws of 1860 entitled 'An act to legalize the State and county taxes in the county of Rensselaer for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes,' and the several acts amendatory thereof and supplemental thereto in relation to the assessment, taxation and collection of taxes and the sale and conveyance of land for nonpayment thereof in the county of Rensselaer" (Int. No. 445), which was read the first time and referred to the committee on internal affairs.

The Senate sent for concurrence the following entitled bills:

"An act to legalize and to provide for the payment of bonds of the village of Tuckahoe in the county of Westchester, directed

to be issued for the improvement of Washington and a portion of Breckinredge streets in said village" (No. 173, Rec. No. 13), which was read the first time and referred to the committee on affairs of villages.

"An act authorizing the city of Utica to borrow the sum of \$60,000 for the purpose of completing the changing of the channel of the Mohawk river between said city and the town of Deerfield in Oneida county, for the acquisition of lands therefor, the payment of damages incurred thereby and expenses connected therewith, and to issue bonds therefor and providing for the payment thereof" (No. 181, Rec. No. 14), which was read the first time and referred to the committee on affairs of cities.

"An act to provide for the building of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof" (No. 122, Rec. No. 11), which was read the first time and referred to the committee on affairs of cities.

"An act to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1, 1906, and for which no provision has been made in the sinking fund" (No. 138, Rec. No. 12), which was read the first time and referred to the committee on affairs of cities.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That at 12 o'clock noon, to-day, the Assembly proceed to nominate a Regent of the University in place of the Hon. Albert Vander Veer, whose term of office will expire on the first day of April next.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Elsberg, Rec. No. 1, entitled "An act to amend chapter 108 of the Laws of 1904, entitled 'An act to provide for the construction of an extension of the building in the Central park, in the city of New York, occupied by the Metropolitan Museum of Art'" (No. 104), reported in favor of the passage of the same without amendment, which

report was agreed to and said bill placed on the order of second reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

“An act to amend the Tax Law, in relation to the time of making assessment.” (No. 241, Int. No. 241.)

“An act to amend the Poor Law, in relation to the relief of Indians in case of epidemic.” (No. 289, Int. No. 291.)

“An act to continue and extend the charter of the Suffolk County Mutual Insurance Company.” (No. 178, Int. No. 177.)

“An act to amend chapter 30 of the Laws of 1904, entitled ‘An act providing for the planting of shade trees in the village of Kenmore, county of Erie,’ by authorizing a petition of property holders on a portion of a street.” (No. 197, Int. No. 197.)

“An act to amend chapter 480 of the Laws of 1894, entitled ‘An act in relation to the village of Fredonia,’ in relation to the collector.” (No. 250, Int. No. 250.)

The bill (No. 239) entitled “An act to authorize the city of Mt. Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1, 1906, and for which no provision has been made in the sinking fund” (Int. No. 239), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hooker	O'Neill	Slocum
Allen F E	Coutant	Hooper	Parker	Smith A E
Allen J G	Cox	Hornidge	Patton	Smith J E
Anderson	Cunningham	Hurd	Pendry	Smith J T
Apgar	Dale	Kavanaugh	Perham	Smith R H
Bass	Donovan	Knapp	Perry	Standart
Becker	Ellis	La Rue	Plank	Steele
Bedell	Evans	Leggett	Platt	Stevens
Beebe	Everett	Machacek	Pratt	Sullivan

Beihlf	Fitzsimons	Maier	Prentice	Tenjost
Bird	Foster	Malloy	Quinn	Thompson G F
Bisland	Freidel	Mathews T F	Reeve	Thompson J A
Brady	Fuller	McKeown	Rigby	Tompkins
Burnett	Gardner	McManus	Rogers	Waddell
Burns	Grady	Mead	Rosenstein	Wagner
Bürzynski	Grattan	Merritt	Sammon	Wadsworth
Cadin	Gray	Miller	Santee	Wedemeyer
Cahn	Gurnett	Monroe	Scovill	Wemple
Carrier	Hammond	Murphy	Shanahan	Whitney G H
Caughlan	Hanford	Newton	Sheehy	Wilsnack
Charles W B	Hapeman	Nugent	Sherry	Wolf
Coon	Hastings	Ogden	Shuttleworth	Wood F X

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 70) entitled "An act to change the name of 'the East Avenue Presbyterian Church of the city of Schenectady' to 'The State Street Presbyterian Church of the city of Schenectady'" (Int. No. 70), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hurd	Perry	Smith J T
Allen F E	Dodd	Knapp	Plank	Smith R H
Allen J G	Dowling	La Petra	Platt	Stanley
Anderson	Ellis	La Rue	Prentice	Steele
Apgar	Evans	Lewis	Prince	Stevens
Becker	Everett	Machacek	Reeve	Thonet
Beebe	Fitzsimons	Malloy	Reilly	Thompson J A
Bird	Foster	Matthews C R	Rigby	Tompkins
Brady	Francisco	McKeown	Rogers	Wade
Brooks	Freidel	Mead	Rosenstein	Wagner
Burns	Gardner	Merritt	Sammon	Wadsworth
Byrne	Gates	Miller	Santee	Wainwright
Cadin	Grady	Moreland	Schoeneck	Wedemeyer
Callahan	Gray	Murphy	Shanahan	Wemple
Caughlan	Gurnett	Newton	Sheehy	Whitney F G
Charles E E	Hammond	Ogden	Sherry	Wiegand
Cooke	Hanford	O'Neill	Shuttleworth	Wilson
Coon	Hartman	Parker	Slocum	Wood F C
Coutant	Hooker	Patton	Smith A P	Wood F X
Cowan	Hooper	Pendry	Smith J E	Young
Cunningham	Hubbs			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein



The bill (No. 131) entitled "An act to amend the Greater New York charter, relative to the court of special sessions" (Int. No. 131), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 105

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hornidge	Pendry	Smith R H
Allen F E	Cox	Hubbs	Perham	Stanley
Allen J G	Dale	Kavanaugh	Phillips	Steele
Anderson	Dodd	Knapp	Platt	Sullivan
Bass	Dowling	La Fetra	Pratt	Tenjust
Becker	Ellis	Leggett	Prince	Thompson J A
Beebe	Evans	Lewis	Quinn	Thonet
Beihlf	Everett	Maier	Reilly	Waddell
Bird	Fitzsimons	Malloy	Rigby	Wade
Brady	Foelker	Mathews T F	Rogers	Wadsworth
Brooks	Francisco	Matthews C R	Salomon	Wainwright
Burns	Freidel	McKeown	Sammon	Wedemeyer
Byrne	Gardner	McManus	Schoeneck	West
Cadin	Grady	Mead	Scovill	Whitney F G
Cahn	Grattan	Miller	Sheehy	Whitney G H
Carrier	Gray	Monroe	Sheldon	Wilsnack
Caughlan	Hackett	Murphy	Shuttleworth	Wilson
Charles W B	Hanford	Newton	Slocum	Wolf
Cooke	Hapeman	Ogden	Smith A P	Wood F X .
Coon	Hastings	O'Neill	Smith A E	Yale
Coutant	Hooker	Parker	Smith J E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 27) entitled "An act to amend chapter 17 of the Laws of 1903 entitled 'An act to authorize the city of Jamestown to acquire and maintain a water supply system,' in relation to the compensation which may be paid to the treasurer of the city of Jamestown for his services in receiving water rents" (Int. No. 27), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooker	Parker	Smith R H
Allen F E	Cunningham	Hooper	Patton	Standart
Allen J G	Dale	Hubbs	Perham	Stanley
Anderson	Donovan	Hurd	Perry	Stevens
Apgar	Dowling	Knapp	Plank	Sullivan
Becker	Etsel	La Fetra	Platt	Tenjost
Bedell	Evans	Leggett	Prentice	Thompson J A
Beebe	Everett	Machacek	Quinn	Thonet
Beihlf	Fitzsimons	Maier	Reeve	Tompkins
Bisland	Foelker	Malloy	Rigby	Waddell
Brady	Foster	Mathews T F	Rogers	Wagner
Brooks	Freidel	McKeown	Rosenstein	Wadsworth
Burns	Fuller	McManus	Salomon	Wainwright
Byrne	Gates	Mead	Santee	West
Cahn	Grady	Merritt	Scovill	Wemple
Carrier	Grattan	Monroe	Shanahan	Whitney G H
Caughlan	Gurnett	Moreland	Sheldon	Wilsnack
Charles W B	Hackett	Murphy	Sherry	Wilson
Cooke	Hammond	Newton	Slocum	Wolf
Coon	Hapeman	Ogden	Smith A P	Wood F C
Coutant	Hastings	O'Neill	Smith J E	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 157) entitled "An act in relation to an additional water supply for the city of Albany" (Int. No. 157), was read the third time having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hurd	Phillips	Smith R H
Allen F E	Cowan	Kavanaugh	Platt	Stanley
Allen J G	Cox	Knapp	Pratt	Steele
Apgar	Dale	La Rue	Prentice	Sullivan
Bass	Donovan	Lewis	Quinn	Tenjost
Bedell	Dowling	Maier	Reilly	Thompson J A
Beebe	Etsel	Mathews T F	Rigby	Thonet

Bird	Everett	Matthews C R	Rogers	Waddell
Brady	Foelker	McKeown	Salomon	Wade
Burnett	Francisco	McManus	Sammon	Wagner
Burns	Fuller	Mead	Schoeneck	Wainwright
Burzynski	Gardner	Miller	Scovill	West
Byrne	Grady	Moreland	Sheehy	Wemple
Cahn	Grattan	Newton	Sheldon	Whitney G H
Callahan	Gurnett	Nugent	Shuttleworth	Wiegand
Carrier	Hammond	O'Neill	Slocum	Wilsnack
Caughlan	Hanford	Parker	Smith A P	Wolf
Charles W B	Hartman	Patton	Smith A E	Wood F C
Cooke	Hooker	Perham	Smith J E	Wood F X
Cotton	Hornidge	Perry	Smith J T	Yale

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 347) entitled "An act to amend chapter 101 of the Laws of 1881, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter 181 of the Laws of 1875,' relative to the powers of the water commissioners" (Int. No. 38), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 105

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hooper	Pendry	Smith J E
Allen F E	Cunningham	Hornidge	Perry	Smith J T
Allen J G	Dodd	Hurd	Phillips	Smith R H
Apgar	Dowling	Kavanaugh	Platt	Stanley
Bass	Ellis	La Fetra	Prentice	Steele
Becker	Evans	La Rue	Prince	Sullivan
Bedell	Fish	Lewis	Reeve	Tenjost
Beihilf	Fitzsimons	Machacek	Reilly	Thompson G F
Bird	Foster	Malloy	Rigby	Thonet
Brady	Francisco	Mathews T F	Rosenstein	Waddell
Brooks	Freidel	Matthews C R	Salomon	Wade
Burnett	Fuller	McKeown	Santee	Wagner
Burzynsk	Gates	McManus	Schoeneck	Wainwright
Byrne	Grady	Mead	Scovill	West
Cahn	Gray	Miller	Shanahan	Wemple
Carrier	Gurnett	Monroe	Sheehy	Whitney F G
Caughlan	Hackett	Murphy	Sheldon	Wiegand
Charles W B	Hanford	Nugent	Sherry	Wilson
Cooke	Hapeman	Ogden	Slocum	Wood F C
Cotton	Hartman	Palmer	Smith A P	Wood F X
Coutant	Hooker	Parker	Smith A E	Yale

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill No. 243 entitled "An act to amend the Forest, Fish and Game Law, in relation to set lines in Hemlock lake" (Int. No. 243), having been announced for a third reading,

On motion of Mr. Ogden, said bill was recommitted to the committee on fisheries and game, retaining its place on the order of third reading.

The bill (No. 278) entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season for squirrels, grouse, woodcock and quail in Chautauqua county" (Int. No. 278), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hooker	Parker	Smith R H
Allen F E	Dodd	Hornidge	Pendry	Stanley
Allen J G	Donovan	Hurd	Perry	Steele
Apgar	Dowling	Kavanaugh	Plank	Sullivan
Bass	Ellis	La Fetra	Pratt	Thompson G F
Becker	Evans	Leggett	Prince	Thonet
Beebe	Everett	Lewis	Quinn	Tompkins
Beihlf	Fitzsimons	Maier	Reilly	Waddell
Bisland	Foelker	Malloy	Rogers	Wade
Brady	Francisco	Mathews T F	Salomon	Wagner
Burnett	Freidel	Matthews C R	Sammon	Wadsworth
Burns	Gardner	McKeown	Schoeneck	Wainwright
Cadin	Gates	McManus	Scovill	West
Cahn	Grady	Merritt	Shanahan	Whitney F G
Carrier	Gray	Miller	Sheldon	Whitney G H
Caughlan	Gurnett	Moreland	Sherry	Wilsnack
Charles W B	Hammond	Newton	Slocum	Wilson
Cooke	Hanford	Nugent	Smith A P	Wood F C
Cotton	Hapeman	Ogden	Smith J E	Yale
Cowan	Hastings	Palmer	Smith J T	Young
Cox				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 4), entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend

the several acts relating to the government of the city of Cohoes,' in relation to the salary of clerk of said city" (Int. No. 4), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Platt	Stevens
Allen F E	Cunningham	La Fetra	Prentice	Sullivan
Allen J G	Dodd	La Rue	Prince	Thompson G F
Anderson	Donovan	Lewis	Quinn	Thompson J A
Apgar	Ellis	Maier	Reilly	Tompkins
Bass	Evans	Mathews T F	Rogers	Waddell
Bedell	Fish	Matthews C R	Rosenstein	Wagner
Beebee	Foelker	McKeown	Salomon	Wadsworth
Bird	Francisco	McManus	Santee	Wedemeyer
Bisland	Freidel	Mead	Scovill	West
Brooks	Gardner	Miller	Shanahan	Wemple
Burnett	Grady	Moreland	Sheehy	Whitney F G
Burns	Grattan	Newton	Sherry	Wiegand
Burzynski	Gurnett	Ogden	Shuttleworth	Wilsnack
Cadin	Hammond	O'Neill	Slocum	Wilson
Callahan	Hanford	Parker	Smith A E	Wolf
Carrier	Hartman	Patton	Smith J E	Wood F C
Charles E E	Hooker	Pendry	Smith J T	Wood F X
Charles W B	Hornidge	Perry	Standart	Yale
Coon	Hurd	Plank	Steele	Young
Coutant				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 183) entitled "An act to authorize the erection of an addition to present school building by the Palmyra Classical Union School in school district No. 1, in the town of Palmyra, and to provide for the payment therefor" (Int. No. 182), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 107

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hooker	Pendry	Smith J E
Allen F E	Cowan	Hornidge	Perry	Smith J T
Allen J G	Cox	Hubb	Phillips	Smith R H
Anderson	Dale	Kavanaugh	Platt	Stanley
Bass	Dodd	Knapp	Pratt	Steele
Becker	Donovan	La Rue	Prentice	Sullivan
Bedell	Ellis	Leggett	Prince	Tenjost
Beebe	Etzel	Machacek	Reeve	Thompson G F
Beihliff	Everett	Malloy	Reilly	Thompson J A
Bird	Fish	Mathews T F	Rogers	Tompkins
Bisland	Foelker	Matthews C R	Rosenstein	Waddell
Brady	Foster	McKeown	Sammon	Wagner
Brooks	Francisco	McManus	Santee	Wainwright
Burns	Freidel	Merritt	Scovill	West
Burzynski	Gardner	Miller	Shanahan	Whitney F G
Cadin	Gates	Moreland	Sheehy	Wiegand
Cahn	Grattan	Murphy	Sheldon	Wilsnack
Callahan	Gray	Nugent	Sherry	Wolf
Caughlan	Hackett	O'Neill	Slocum	Wood F X
Charles E E	Hammond	Palmer	Smith A P	Yale
Charles W B	Hapeman	Parker	Smith A E	Young
Coon	Hartman			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 207) entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of completing the abatement of all nuisance in the Main and Hamburg, Ohio basin and Clark and Skinner canals" (Int. No. 207), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hartman	Ogden	Smith A P
Allen F E	Cowan	Hastings	Palmer	Smith A E
Allen J G	Cunningham	Hooker	Parker	Smith J T
Anderson	Dale	Hornidge	Pendry	Smith R H
Apgar	Dodd	Hurd	Perham	Stanley
Becker	Dowling	Kavanaugh	Phillips	Steele
Bedell	Etzel	La Fetra	Platt	Stevens

Beebe	Evans	Leggett	Pratt	Tenjost
Beihlf	Fish	Machacek	Prince	Thompson J A
Bird	Fitzsimons	Maier	Quinn	Thonet
Bisland	Foelker	Mathews T F	Reilly	Waddell
Brady	Francisco	Matthews C R	Rigby	Wade
Burns	Freidel	McKeown	Rogers	Wagner
Burzynski	Fuller	McManus	Salomon	Wadsworth
Byrne	Gates	Mead	Santee	Wedemeyer
Cahn	Grady	Miller	Schoeneck	West
Carrier	Gray	Monroe	Scovill	Whitney F G
Caughlan	Gurnett	Murphy	Sheehy	Whitney G H
Charles E E	Hammond	Newton	Sherry	Wilsnack
Cooke	Hanford	Nugent	Shuttleworth	Wolf
Coon				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 191) entitled "An act to legalize the official acts of Benjamin D. Western, a justice of the peace of the town of Norway, county of Herkimer" (Int. No. 191), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Perry	Stanley
Allen J G	Dale	La Fetra	Phillips	Stevens
Anderson	Donovan	Leggett	Platt	Sullivan
Apgar	Ellis	Lewis	Pratt	Thompson J A
Becker	Etzel	Machacek	Prince	Thompson G F
Bedell	Everett	Malloy	Quinn	Tompkins
Beihlf	Fish	Mathews T F	Reilly	Wede
Bird	Foster	McKeown	Rogers	Wagner
Brady	Francisco	McManus	Rosenstein	Wainwright
Brooks	Fuller	Merritt	Salomon	Wedemeyer
Burnett	Gardner	Miller	Santee	West
Burzynski	Grady	Monroe	Schoeneck	Whitney F G
Byrne	Grattan	Moreland	Scovill	Whitney G H
Cahn	Gurnett	Murphy	Sheehy	Wiegand
Callahan	Hackett	Newton	Sherry	Wilsnack
Carrier	Hanford	Ogden	Shuttleworth	Wilson
Charles E E	Hapeman	O'Neill	Smith A P	Wolf
Charles W B	Hastings	Parker	Smith J E	Wood F C
Coon	Hooker	Patton	Smith J T	Wood F X
Cotton	Hornidge	Pendry	Standart	Yale
Cowan	Hubbs			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 262) entitled "An act to amend the Forest, Fish and Game Law in relation to muskallonge" (Int. No. 262), having been announced for a third reading,

On motion of Mr. Wade, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The bill (No. 3) entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (Int. No. 3), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115

NOES 00

Those who voted in the affirmative were: .

Agnew	Cox	Hubbs	Pendry	Smith J T
Allen J G	Dale	Kavanaugh	Perham	Smith R H
Anderson	Dodd	Knapp	Phillips	Stanley
Apgar	Donovan	La Rue	Plank	Steele
Bass	Dowling	Leggett	Platt	Stevens
Becker	Etzel	Lewis	Pratt	Tenjost
Bedell	Evans	Maier	Prentice	Thompson G F
Beebe	Fish	Malloy	Prince	Thonet
Bird	Fitzsimons	Mathews T F	Reeve	Tompkins
Bisland	Foster	Matthews C R	Reilly	Waddell
Brady	Freidel	McKeown	Rigby	Wagner
Brooks	Fuller	McManus	Rogers	Wadsworth
Burnett	Gates	Mead	Salomon	Wainwright
Burzynski	Grady	Merritt	Sammon	West
Byrne	Grattan	Miller	Santee	Wemple
Cadin	Gurnett	Moreland	Schoeneck	Whitney F G
Callahan	Hackett	Newton	Shanahan	Wiegand
Carrier	Hanford	Nugent	Sheehy	Wilsnack
Charles E E	Hapeman	Ogden	Sheldon	Wolf
Cooke	Hartman	O'Neill	Sherry	Wood F C
Coon	Hastings	Palmer	Slocum	Wood F X
Coutant	Hooker	Parker	Smith A P	Yale
Cowan	Hornidge	Patton	Smith A E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 98) entitled "An act to provide for the enrollment of the electors in the third, fourth and fifth election districts in the second Assembly district of the borough of Queens" (Int. No. 98), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hooper	Patton	Stanley
Allen J G	Cunningham	Hubbs	Perham	Steele
Anderson	Dodd	Hurd	Perry	Stevens
Apgar	Dowling	Knapp	Plank	Tenjost
Bass	Ellis	La Rue	Pratt	Thompson G F
Bedell	Etsel	Leggett	Prentice	Thonet
Beebe	Everett	Machacek	Prince	Tompkins
Beihilf	Fish	Maier	Reeve	Waddell
Bisland	Foelker	Malloy	Reilly	Wade
Brady	Foster	McKeown	Rogers	Wadsworth
Brooks	Francisco	McManus	Rosenstein	Wedemeyer
Burnett	Fuller	Mead	Sammon	West
Burzynski	Gardner	Merritt	Santee	Wemple
Byrne	Gates	Miller	Scovill	Whitney F G
Cahn	Grady	Monroe	Shanahan	Wiegand
Callahan	Gurnett	Murphy	Sheldon	Wilsnack
Carrier	Hackett	Newton	Shuttleworth	Wolf
Charles E E	Hanford	Nugent	Smith A P	Wood F C
Cooke	Hapeman	O'Neill	Smith A E	Wood F X
Cotton	Hartman	Palmer	Smith J E	Young
Coutant	Hooker	Parker	Smith R H	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 296) entitled "An act authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains Hospital Association of White Plains" (Int. No. 296), having been announced for a third reading.

On motion of Mr. Wainwright said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 249) entitled "An act to amend the Forest, Fish and Game Law, in relation to the meshes of nets used in Lake

Erie" (Int. No. 249), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 107

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	Machacek	Pratt	Stanley
Allen F E	Donovan	Maier	Prince	Stevens
Allen J G	Dowling	Malloy	Quinn	Sullivan
Anderson	Etzel	Mathews T F	Reilly	Tenjost
Bass	Everett	Matthews C R	Rigby	Thompson G F
Becker	Fish	McKeown	Rogers	Thompson J A
Beebee	Foelker	McManus	Rosenstein	Tompkins
Beihlf	Francisco	Mead	Salomon	Waddell
Bird	Freidel	Miller	Santee	Wade
Brady	Gardner	Monroe	Schoeneck	Wadsworth
Brooks	Gates	Moreland	Scovill	Wainwright
Burns	Grattan	Murphy	Shanahan	Wedemeyer
Byrne	Gurnett	Nugent	Sheehy	West
Cahn	Hackett	Ogden	Sherry	Whitney F G
Callahan }	Hanford	O'Neill	Shuttleworth	Whitney G H
Caughlan	Hapeman	Parker	Slocum	Wilsnack
Charles W B	Hastings	Patton	Smith A P	Wilson
Cooke	Hooper	Pendry	Smith J E	Wolf
Cotton	Hubbs	Perry	Smith J T	Wood F C
Coutant	Kavanaugh	Phillips	Smith R H	Wood F X
Cox	La Fetra	Platt	Standart	Yale
Cunningham	La Rue			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 18) entitled "An act to amend the Greater New York charter, relative to the fund for street and park openings" (Int. No. 18), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Dowling	Mathews T F	Quinn	Sullivan
Allen F E	Etzel	Matthews C R	Reilly	Thompson G F
Anderson	Everett	McKeown	Rigby	Thonet
Apgar	Fitzsimons	McManus	Rosenstein	Tompkins
Becker	Foster	Mead	Salomon	Waddell
Bedell	Freidel	Merritt	Sammon	Wagner
Beebe	Gardner	Miller	Santee	Wadsworth
Bird	Gates	Monroe	Scovill	Wainwright
Bisland	Grattan	Murphy	Shanahan	Wedemeyer
Brooks	Gurnett	Newton	Sheehy	West
Burnett	Hammond	Nugent	Sherry	Wemple
Burzynski	Hanford	Ogden	Shuttleworth	Whitney F G
Cadin	Hartman	O'Neill	Slocum	Whitney G H
Callahan	Hooker	Parker	Smith A E	Wilsnack
Caughlan	Hornidge	Patton	Smith J E	Wilson
Charles W B	Hurd	Pendry	Smith J T	Wolf
Cooke	Kavanaugh	Perham	Standart	Wood F C
Cotton	La Rue	Phillips	Stanley	Wood F X
Cowan	Leggett	Platt	Steele	Yale
Cunningham	Machacek	Prentice	Stevens	Young
Dodd	Maier			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 421) entitled "An act to amend section 1 of chapter 215 of the Laws of 1883 as amended by section 1 of chapter 554 of the Laws of 1888, entitled 'An act fixing the salaries of the stenographers of the Supreme Court in the 8th judicial district'" (Int. No. 29), was read the second time.

On motion of Mr. Wade said bill was placed on the order of third reading.

On motion of Mr. Wade, said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 425) entitled "An act to amend chapter 106 of the Laws of 1891, entitled, 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to elections, the submission of tax propositions, and the qualifications of voters" (Int. No. 194), was read the second time.

On motion of Mr. G. H. Whitney, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 447) entitled "An act to amend the Town Law in relation to fees of supervisors" (Int. No. 242), was read the second time.

On motion of Mr. Wade, said bill was placed on the order of third reading and referred to the committee on revision.

Mr. Hooker offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 31, entitled "An act to legalize the official acts of the Bergen fire department, incorporated, of the village of Bergen, Genesee county" (Int. No. 31), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate returned the bill (No. 180) entitled "An act to provide for the compensation and expenses for the legislative session of 1905, of persons appointed to draft, examine and revise bills" (Int. No. 179), with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the following entitled bill:

"An act to legalize, ratify and confirm an issue of bonds of the village of Ilion, in the county of Herkimer, in the amount of \$25,000 issued for the purpose of providing funds to enlarge, repair, improve and extend the electric light plant of said village; and to legalize the special election held on September 13, 1904, and all proceedings connected therewith, under which said bonds are issued." (No. 24, Senate reprint No. 177, Int. No. 24.)

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purposes of amendment Assembly bill No. 31, entitled "An act to legalize the official acts of the Bergen fire department, incorporated, of the village of Bergen, Genesee county" (Int. No. 31), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Clerk announced the resignation of John Nye, heretofore appointed to the position of page and that said resignation took effect at the close of the legislative day of February 3.

At 11.35 o'clock a. m., on motion of Mr. Rogers, the House took a recess until 12 o'clock noon.

### TWELVE O'CLOCK M.

The hour of twelve o'clock noon having arrived, Mr. Speaker announced that pursuant to law and agreeable to a joint resolution of the Senate and Assembly, the Assembly would now proceed to nominate a candidate for the office of Regent of the University in place of Albert Vander Veer, of the city of Albany, whose term of office will expire on the 31st day of March, 1905.

Whereupon, in open session, each member, as his name was called by the Clerk, rose in his place and by viva voce vote named the following for Regent of the University, in place of Albert Vander Veer.

#### FOR LUCIAN L. SHEDDEN.

Agnew	Cunningham	Knapp	Phillips	Stevens
Allen F E	Dowling	La Rue	Platt	Tenjust
Allen J G	Etzal	Leggett	Pratt	Thompson G F
Apgar	Evans	Lewis	Prentice	Thonet
Bedell	Fish	Maier	Reeve	Waddell
Beebe	Foster	Matthews C R	Rigby	Wade
Beihilf	Francisco	Mead	Rogers	Wadsworth
Bisland	Freidel	Merritt	Santee	Wainwright
Brady	Gardner	Miller	Schoeneck	West
Brooks	Gates	Monroe	Scovill	Wemple
Burnett	Gray	Moreland	Sheldon	Whitney F G
Cadin	Hammond	Murphy	Shuttleworth	Whitney G H
Carrier	Hanford	Newton	Slocum	Wilsnack
Charles E E	Hapeman	Ogden	Smith A P	Wilson
Charles W B	Hartman	O'Neill	Smith J E	Wood F C
Coon	Hastings	Parker	Smith J T	Wood F X
Cotton	Hooker	Patton	Standart	Yale
Coutant	Hooper	Pendry	Stanley	Young
Cowan	Hubbs	Perham	Steele	Speaker
Cox	Hurd	Perry		

#### FOR RICHARD L. HAND.

Anderson	Donovan	Kavanaugh	Prince	Smith A E
Bird	Ellis	La Fetra	Quinn	Smith R H
Burns	Everett	Machacek	Reilly	Sullivan
Burzynski	Fitzsimons	Malloy	Rosenstein	Thompson J A
Byrne	Fuller	Mathews T F	Salomon	Tompkins
Cahn	Grady	McKeown	Sammon	Wagner
Caughlan	Gurnett	McManus	Shanahan	Wiegand
Cooke	Hackett	Nugent	Sheehy	Wolf
Dale	Hornidge	Palmer	Sherry	

Whole number of votes.....	142
Lucian L. Shedden received.....	98
Richard L. Hand received.....	44

A quorum of all the members elected to the Assembly having voted, and the majority having named Lucian L. Shedden as their choice, Mr. Speaker declared that Lucian L. Shedden of Plattsburgh, had been duly elected on the part of the Assembly as a candidate for the office of Regent of the University for a term of eleven years to succeed Albert Vander Veer, whose term of office will expire on the 31st day of March, 1905.

Mr. Coutant offered for the consideration of the House a resolution, in the words following:

This Assembly learns with profound regret of the death of Hon. Jacob LeFever of New Paltz, Ulster county. Mr. LeFever served with distinction as a member of this House in the years 1863 to 1867 and subsequently rendered like distinguished service to the nation as a member of Congress. He was the father of Hon. Frank J. LeFever, formerly a member of the Senate and now a Representative in Congress. We extend to the family of the deceased our sincere and heartfelt sympathy in their bereavement;

Resolved, That out of respect to the memory of Hon. Jacob LeFever this House do now adjourn, and that a copy of these resolutions, suitably engrossed, be transmitted to the members of his family.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

Whereupon, the House adjourned.

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WEDNESDAY, FEBRUARY 8, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Robert I. MacBride, Rensselaer.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

The privileges of the floor were extended to Delos Axtell and Myron H. Clark, former members.

Mr. Speaker presented the twenty-second annual report of the State Civil Service Commission, which was laid upon the table and ordered printed.

(See Document.)

The Senate sent for concurrence the following entitled bills:

"An act to enable the Medical College Laboratory of the city of New York to convey and transfer its real and personal property" (No. 77, Rec. No. 15), which was read the first time and referred to the committee on the judiciary.

"An act to release to Courtney C. Douglas the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York" (No. 56, Rec. No. 16), which was read the first time and referred to the committee on claims.

Mr. E. E. Charles introduced a concurrent resolution entitled "Concurrent resolution proposing amendments to article 3, section 2, article 4, section 3, and article 10, section 6 of the Constitution, relating to biennial sessions of the Legislature" (Int. No. 446), which was read the first time and referred to the committee on the judiciary.

Mr. Cotton introduced a bill entitled "An act to amend chapter 13 of the Laws of 1897, entitled 'An act to amend chapter 538 of the Laws of 1895, entitled "An act to amend chapter 429 of the Laws of 1894, entitled 'An act to amend chapter 585 of the Laws of 1893, entitled "An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial Day, including the year 1893'" (Int. No. 447), which was read the first time and referred to the committee on affairs of cities.

Mr. Dale introduced a bill entitled "An act to amend the Domestic Commerce Law relative to the sale of oats in bags" (Int. No. 448), which was read the first time and referred to the committee on general laws.

Mr. Dowling introduced a bill entitled "An act to provide for the payment of the claim of Frank J. Gallagher for extra labor performed and material furnished in building bridge in Highland Park, borough of Queens" (Int. No. 449), which was read the first time and referred to the committee on affairs of cities.

Mr. Hooker introduced a bill entitled "An act to amend the Code of Criminal Procedure relative to the persons who may be



present during the sessions of a grand jury" (Int. No. 450), which was read the first time and referred to the committee on codes.

Mr. Leggett introduced a bill entitled "An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' in relation to the powers of said city to acquire a water works system" (Int. No. 451), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act making an appropriation for the payment to Lizzie B. Cusick, widow of Cornelius C. Cusick, for his military services as first lieutenant of the Fifty-third New York volunteers" (Int. No. 452), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to release to Peter H. L. Bradt and James J. Bradt the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate situate in the city of Niagara Falls, county of Niagara and State of New York" (Int. No. 453), which was read the first time and referred to the committee on claims.

Mr. Prentice introduced a bill entitled "An act to amend the Greater New York charter relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy" (Int. No. 454), which was read the first time and referred to the committee on affairs of cities.

Mr. Santee introduced a bill entitled "An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' relative to the bond of the treasurer of the New York State School for the Blind" (Int. No. 455), which was read the first time and referred to the committee on charitable and religious societies.

Mr. R. H. Smith introduced a bill entitled "An act authorizing the trustee of the fire department relief fund of the city of New York to allow to Julia A. Murphy the pension to which she would have been entitled as widow of Lawrence Murphy had his death ensued as the immediate result of injuries received in the discharge of his duties" (Int. No. 456), which was read the first time and referred to the committee on affairs of cities.

Mr. Stanley introduced a bill entitled "An act to amend sections 1394 and 1396-a of the Greater New York charter by providing that police clerks shall be appointed during good behavior" (Int. No. 457), which was read the first time and referred to the committee on affairs of cities.

Mr. Wadsworth introduced a bill entitled "An act to amend the State Charities Law in relation to autopsies at Craig Colony for Epileptics" (Int. No. 458), which was read the first time and referred to the committee on the judiciary.

Mr. Wainwright introduced a bill entitled "An act to authorize the issuance and sale of bonds of the town of Greenburgh, in the county of Westchester, N. Y., in the aggregate principal sum of \$225,500 to provide for the expense of repairing, grading and macadamizing certain roads and highways in said town, to provide for security to be given by the supervisor of said town, and to provide for the raising of taxes to pay the principal and interest on said bonds as the same become due" (Int. No. 459), which was read the first time and referred to the committee on internal affairs.

Mr. F. C. Wood introduced a bill entitled "An act to provide for the appointment of a commission to investigate the matter of disputed title to lands claimed by the State in counties containing portions of the Forest Preserve" (Int. No. 460), which was read the first time and referred to the committee on public lands and forestry.

Mr. Young introduced a bill entitled "An act to amend chapter 410 of the Laws of 1882, entitled 'An act to consolidate into one act and to declare the special and local laws affecting public interests in the city of New York,' in relation to the salaries of the record clerks of the Court of General Sessions" (Int. No. 461), which was read the first time and referred to the committee on affairs of cities.

Mr. Knapp introduced a bill entitled "An act making an appropriation for rebuilding the dam across the Great Chazy river at Chazy lake, authorized by chapter 289 of the Laws of 1868" (Int. No. 462), which was read the first time and referred to the committee on ways and means.

Mr. Maier introduced a bill entitled "An act to amend the Public Health Law in relation to the prosecution of violations

of the law, in regard to the practice of medicine" (Int. No. 463), which was read the first time and referred to the committee on public health.

Mr. Miller introduced a bill entitled "An act to amend chapter 178 of the Laws of 1834, entitled 'An act to incorporate the Long Island Railroad Company,' relating to rates of toll" (Int. No. 464), which was read the first time and referred to the committee on railroads.

Mr. Phillips introduced a bill entitled "An act to legalize the proceedings of the town board of the town of Granger, county of Allegany, and the proceedings and resolution of the board of supervisors of Allegany county in respect to the issue of bonds by such town to pay certain indebtedness thereof" (Int. No. 465), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law relating to trout fishing in the county of Allegany" (Int. No. 466), which was read the first time and referred to the committee on fisheries and game.

Mr. Reeve introduced a bill entitled "An act to amend chapter 261 of the Laws of 1852, entitled 'An act to incorporate the New York College of Dental Surgery,' changing its name, increasing the number of trustees, extending its powers to hold property, authorizing its consolidation with other institutions, relating to its by-laws and the conferring of degrees by such institution, and ratifying its consolidation with the New York Dental School" (Int. No. 467), which was read the first time and referred to the committee on general laws.

Mr. G. F. Thompson introduced a bill entitled "An act to amend the Drainage Law in relation to new assessments of water commissioners for expenses of repairs or enlargement" (Int. No. 468), which was read the first time and referred to the committee on general laws.

Mr. West introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the placing of carp in certain waters" (Int. No. 469), which was read the first time and referred to the committee on fisheries and game.

Mr. G. H. Whitney introduced a bill entitled "An act to provide for the acquirement and abolition of toll bridges" (Int.

No. 470), which was read the first time and referred to the committee on internal affairs.

Mr. F. C. Wood introduced a bill entitled "An act to amend the Domestic Relations Law in relation to the liability of married women for necessities" (Int. No. 471), which was read the first time and referred to the committee on general laws.

Mr. Wade introduced a bill entitled "An act to amend section 2 of chapter 462 of the laws of 1899, being a part of the Poor Law in relation to relief of soldiers by Grand Army posts" (Int. No. 472), which was read the first time and referred to the committee on general laws.

Mr. Merritt introduced a bill entitled "An act making an appropriation for the State's share of moneys for improving and repairing highways under the provisions of chapter 115, Laws of 1898, as amended" (Int. No. 473), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to provide for the publication of the Session Laws and to further amend chapter 280 of the Laws of 1845, as amended by chapter 715 of the Laws of 1892, entitled 'An act for the publication of the Session Laws in two newspapers in each county of this State'" (Int. No. 474), which was read the first time and referred to the committee on general laws.

Mr. Shannahan introduced a bill entitled "An act to amend section 1482 of the Greater New York charter, as reenacted by chapter 466 of the Laws of 1901, in relation to the admission of minors under the age of 14 unaccompanied by adults to theaters during the hours the public schools are in session" (Int. No. 489), which was read the first time and referred to the committee on public education.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Grattan, Int. No. 289, entitled "An act to amend chapter 905 of the Laws of 1896, entitled 'An act to incorporate the city of Watervliet,' generally" (No. 306), reported in favor of the passage of the same, without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Standart, Int. No. 200, entitled "An act to create and establish a department of forestry



for the planting, transplanting and removal of trees and for caring of same in the city of Buffalo" (No. 200), reported in favor of the passage of the same with the following amendment:

Page 6, line 2, after the word "powers" strike out the word "of" and insert the words "now or hereafter vested in."

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Gates, Int. No. 170, entitled "An act to amend chapter 452 of the Laws of 1904, entitled 'An act to authorize the city of Utica to extend its system of drainage and to borrow money to pay for the same'" (No. 170), reported in favor of the passage of the same with the following amendment:

Page 3, line 12, after the word "proceeding" strike out all underscored matter in that section.

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Gates, Int. No. 229, entitled "An act authorizing the treasurer of the city of Utica to appoint and at pleasure remove a secretary, fixing his salary and the security to be given by him" (No. 229), reported in favor of the passage of the following substitute bill:

AN ACT authorizing the treasurer of the city of Utica to appoint a bookkeeper, fixing his salary and the security to be given by him.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. City treasurer may appoint a bookkeeper, fix his salary, etc.—The treasurer of the city of Utica is hereby authorized to appoint a bookkeeper, who shall be paid an annual salary of not to exceed fifteen hundred dollars, payable monthly from the city fund, who, under the direction of the city treasurer, shall have charge and supervision of the books and accounts in the office of the city treasurer. His salary shall be fixed by the city



treasurer but shall not exceed the aforesaid amount. The said office of bookkeeper shall be subject to the civil service law and the provisions thereof and the rules and regulations authorized thereby relating to the noncompetitive class shall apply to such office of bookkeeper.

§ 2. His qualifications, to take oath of office, give security, etc.—Such bookkeeper shall be an expert accountant and before entering upon his duties, shall take and file the constitutional oath of office and execute and deliver to the city treasurer an undertaking in the form prescribed by law running to the city of Utica and in the penal sum of ten thousand dollars, with at least two sureties to be approved by the city treasurer. The city treasurer shall endorse on the undertaking his approval of the sureties therein named and file the said undertaking in the office of the city clerk within ten days thereafter. Such appointment shall be in writing under the hand of the city treasurer and filed in the city clerk's office. Such appointment and the giving of such undertaking shall not affect or impair any bond, undertaking or security required to be given by the city treasurer to the city of Utica or the town of Utica or to any of the officers of said city or town.

§ 3. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said substitute bill ordered printed, and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Coggeshall, Rec. No. 14, entitled "An act authorizing the city of Utica to borrow the sum of \$60,000 for the purpose of completing the changing of the channel of the Mohawk river between said city and the town of Deerfield in Oneida county, for the acquisition of lands therefor, the payment of damages incurred thereby and expenses connected therewith, and to issue bonds therefor and providing for the payment thereof" (No. 181), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Fish, Int. No. 336, entitled "An act to amend section 4 of chapter 8 of the general laws in

relation to punishment for contempt" (No. 336), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

On motion of Mr. Fish, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Fish, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 106

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooper	O'Neill	Smith A E
Allen F E	Cox	Hornidge	Palmer	Smith J E
Anderson	Dale	Hubbs	Patton	Smith R H
Apgar	Dodd	Kavanaugh	Pendry	Standart
Bass	Dowling	Knapp	Perry	Stanley
Becker	Etzel	La Rue	Phillips	Steele
Beebe	Evans	Leggett	Plank	Sullivan
Beihliff	Fish	Machacek	Platt	Thompson G F
Bird	Fitzsimons	Maier	Prentice	Thompson J A
Bisland	Foster	Malloy	Prince	Tompkins
Brady	Francisco	Mathews T F	Reeve	Waddell
Burnett	Freidel	McKeown	Rigby	Wagner
Burns	Fuller	McManus	Rosenstein	Wainwright
Byrne	Gates	Mead	Salomon	West
Cadin	Grady	Merritt	Santee	Whitney G F
Cahn	Gray	Miller	Scovill	Wiegand
Carrier	Hackett	Monroe	Shanahan	Wilsnack
Caughlan	Hammond	Moreland	Sheehy	Wolf
Charles E E	Hanford	Murphy	Sherry	Wood F X
Coon	Hapeman	Newton	Shuttleworth	Yale
Cotton	Hastings	Ogden	Slocum	Young
Coutant				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Prentice, Int. No. 373, entitled "An act to amend the Greater New York charter in relation to actions to recover penalties for the violation of any law or ordinance" (No. 366), reported in favor of the passage of the same

without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Prentice, Int. No. 372, entitled "An act to amend chapter 580 of the Laws of 1902 entitled, 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinance" (No. 372), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Dowling, Int. No. 40, entitled "An act to repeal chapter 439 of the Laws of 1876, entitled 'An act relating to the expenses of judicial sales in the county of Kings,' as amended by chapter 167 of the Laws of 1889" (No. 40), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Agnew, Int. No. 80, entitled "An act to release to Courtney C. Douglas, the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York" (No. 80), reported in favor of the passage of the same with the following amendment:

Page 2, line 10, strike out all after the figure "2" and all of lines 11, 12, 13, and 14, and insert the words "Nothing in this act contained shall impair or affect any right, title, interest, or estate in or to the lands herein described, of any heir at law, devisee, grantee, mortgagee or creditor of any person having an interest in said real property, immediately prior to the escheat thereof, or of any person having a lien or encumbrance thereon, through, under or by any person having an interest therein immediately prior to such estcheat."

R. J. FISH,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Hornidge, Int. No. 303, entitled "An act to release to Joseph S. Guthorn the right, title and interest of the people of the State of New York to certain real estate situate in the borough of Manhattan, city, county and State of New York" (No. 303), reported in favor of the passage of the same with the following amendment:

Page 2, line 17, strike out all after the figure "2" and all of lines 18, 19 and 20, and insert the words "Nothing in this act contained shall impair or affect any right, title, interest, or estate in or to the lands herein described, of any heir at law, devisee, grantee, mortgagee or creditor of any person having an interest in said real property, immediately prior to the escheat thereof, or of any person having a lien or encumbrance thereon, through, under or by any person having an interest therein immediately prior to such escheat."

R. J. FISH,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Reeve, Int. No. 176, entitled "An act to release to Ralph A. Dawson and his heirs and assigns the interest of the State in certain lands in the town of Southampton, Suffolk county, N. Y." (No. 159), reported in favor of the passage of the same, with the following amendments:

Page 2, line 1, strike out all after the figure "2" and all of lines 2, 3, 4, 5 and 6, and insert the words "Nothing in this act contained shall impair or affect any right, title, interest, or estate in or to the lands herein described, of any heir at law, devisee, grantee, mortgagee or creditor of any person having an interest in said real property, immediately prior to the escheat thereof, or of any person having a lien or encumbrance thereon, through, under or by any person having an interest therein immediately prior to such escheat."

R. J. FISH,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Perham, Int. No. 235, entitled



"An act relative to the City Court of the city of New York" (No. 235), reported in favor of the passage of the same with the following amendments:

Line 11, after the word "them" insert the words "and who shall receive a salary of six thousand dollars per annum," underscored.

Line 16, after the word "clerk" bracket out the words "the clerk," and make the following word "each" begin with a capital "E."

R. J. FISH,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Grattan, Int. No. 2, entitled "An act to amend chapter 975 of the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town" (No. 145), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Grattan, Int. No. 327, entitled "An act to amend the law creating the town of Green Island by providing for the distribution of the surplus funds of the town of Green Island" (No. 340), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Merritt, Int. No. 233, entitled "An act authorizing the town board of the town of Canton, county of St. Lawrence, to divide such town into election districts" (No. 233), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Bisland, Int. No. 297, entitled "An act to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating in Sullivan



county, to acquire by purchase or condemnation, the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plankroad or turnpike within said towns, and to provide means for the payment of the same" (No. 297), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. G. H. Whitney, Int. No. 394, entitled "An act to amend an act entitled 'An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for the same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same,' in relation to boundaries" (No. 394), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Hooker, Int. No. 403, entitled "An act to amend the Highway Law relative to extraordinary repairs of highways or bridges" (No. 403), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wadsworth, Int. No. 306, entitled "An act to amend the Highway Law, in relation to working the highways" (No. 322), reported in favor of the passage of the same, without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Apgar, Int. No. 298, entitled "An act empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements" (No. 298), reported in favor of the passage of the same, with the following amendment:

Page 2, line 5, strike out the word "or" and insert the word "of."

S. PERCY HOOKER,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Gates, Int. No. 228, entitled "An act to amend the County Law, in relation to the power of the board of supervisors of any county to sell, assign, transfer or set over a judgment obtained in the Court of Claims by such county against the State of New York" (No. 228), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 2, line 11, after the word "comptroller," strike out the words "to be purchased by" and insert in place thereof the words "who may purchase the," underscored.

Same page, line 12, strike out the word "him" and insert the word "same." Also strike out the words "canal fund" and insert in place thereof the words "various trust funds of the state," underscored.

S. PERCY HOOKER,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted, and recommitted to said committee.

Mr. Hooker.—Report from committee on internal affairs. I ask that the report be read, to allow the title of the bill to be read.

Mr. Speaker.—Mr. Hooker, from the committee on internal affairs, to which was referred Assembly bill of Mr. Gates, (No. 228), to amend the County Law in relation to the power of the board of supervisors of any county to sell, assign, transfer or set over a judgment obtained in the counties named by such counties against the State of New York, report with the following amendment:

Mr. Gates.—Mr. Speaker, I am very glad that the chairman of internal affairs has asked that the title of this bill be read. In connection with that I rise to a question of personal privilege. For several days past there has been published in the newspapers of this State statements with reference to this bill and

with reference to its origin, which I desire to correct. I read from the Albany Argus of February 6, headed, "A proceeding in bankruptcy. Of all the makeshift and pitiful devices to which this great Empire State is put by the present bankrupt condition of its treasury with expenditures of some six million dollars in excess of expected revenue and with very nearly everything but air and sunlight taxed, nothing not even the Raines-Burnett census bill is quite so ridiculous and so suggestive of destitution as Mr. Gates' Assembly bill No. 228."

From the New York Times of February 5th, I learn that certain people propose to oppose the passage of this measure on the ground that it is merely "a long-headed devisement to burden the cities and counties so that a direct tax may be avoided."

And from the New York News, with a big headline, "Bankrupting New York State" I read, "There is nothing which so clearly explains the situation as the bill introduced by Mr. Henry L. Gates of Oneida (No. 228) in the Assembly. Mr. Gates is a Republican and in the confidence of the Big Four, who manage things. And at the end of the paragraph they ask this question—whether it refers to me or some one else, I don't know—I take it that it might refer to me—"There are two questions which could be appropriately asked at this time, Where did he get it, and who is the Republican man higher up."

Now, Mr. Speaker, I want to state that I received this bill from an eminent Democratic lawyer and officeholder in my county, who, I understand, sent it here at the request of the board of supervisors of that county; and if there is anything long-headed about it, that gentleman is entitled to the credit of the longheadedness and I don't claim anything about it. No state official ever saw this bill and I don't know very much about its merits. I haven't any interest whether it is passed or defeated, except to represent the sentiments of the people of my county who I understand want it; and that gentleman assures me that forty-one counties in this state are interested in this proposition and that many of them would like to have their counties placed upon the same footing that any individual is to-day, in reference to a judgment against the State.

Now, Mr. Speaker, I do not want these remarks to be construed as an entering wedge for any discussion upon this bill at this

time. If the internal affairs concludes to report this bill finally and it is recommitted now, I am prepared to discuss this proposition upon the floor of this Assembly with any gentleman here.

Mr. Palmer.—Mr. Speaker, I desire to rise to a question of personal privilege.

Mr. Speaker.—The gentleman will state his question of privilege.

Mr. Palmer.—I want to know why the gentleman makes a twenty minute speech here and then winds up by saying that it is without discussion at all. I do not care to discuss very much about this bill now. I am glad to know that the gentleman is representing a good Democrat up the State—it is an evidence of reformation since he has become a member of the House. And I will investigate who controls him now; what Democrat is moving him here; and possibly some time we might agree with him.

Mr. Speaker.—The bill can be discussed upon the second and third reading.

Mr. Wade, from the committee on taxation and retrenchment, reported by bill entitled "An act to amend the Tax Law in relation to franchise taxes of insurance corporations (Int. No. 475), which was read the first time, and said committee recommends that said bill when printed be referred to said committee, which report was agreed to and said bill ordered printed and referred to said committee.

Mr. Wainwright, from the committee on public education, re-reported by bill entitled "An act to amend the University Law, relating to the number of regents necessary to constitute a quorum" (Int. No. 495), which was read the first time, and said committee reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered printed and placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Reeve, Int. No. 305, entitled "An act to amend the Forest, Fish and Game Law, in relation to the protection of land turtles and wild black bear" (No. 321), reported in favor of the passage of the same, without amendment, which report was agreed to and said bill placed on the order of second reading.



Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations :

“An act to amend chapter 106 of the Laws of 1891, entitled ‘An act to revise, consolidate, and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,’ relative to elections, the submission of tax propositions, and the qualifications of voters.” (No. 425, Int. No. 194.)

“An act to amend the Town Law, in relation to fees of supervisors.” (No. 447, Int. No. 242.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 421) entitled “An act to amend section 1 of chapter 215 of the Laws of 1883 as amended by section 1 of chapter 554 of the Laws of 1888, entitled ‘An act fixing the salaries of the stenographers of the Supreme Court in the eighth judicial district’” (Int. No. 29), reported the same with the following recommendations :

Amend title to read as follows :

“An act to amend chapter two hundred and fifteen of the laws of eighteen hundred and eighty-three, entitled ‘An act fixing the salaries of the stenographers of the supreme court in the eighth judicial district, relative to the duties and fees of such stenographers.’”

Page 1, line 1, after the figure “1” insert the words “Section one of chapter two hundred and fifteen of the laws of eighteen hundred and eighty-three, entitled ‘An act fixing the salaries of the stenographers of the supreme court in the eighth judicial district’ as amended by chapter five hundred and fifty-four of the laws of eighteen hundred and eighty-eight, is hereby amended to read as follows;” also, strike out the words “stenographers in eighth judicial district, fees.”

Same page, line 2, strike out the word “duties;” same page, insert “§ 1.” at head of line 2.

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed :



"An act to amend the Forest, Fish and Game Law, relative to taking duck, geese, brant and swan in the county of Monroe." (No. 448, Int. No. 223.)

"An act to amend chapter 218 of the Laws of 1884, entitled, 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor." (No. 440, Int. No. 123.)

"An act to amend chapter 744 of the Laws of 1904, entitled 'An act to authorize the treasurer of Niagara county to sell property for unpaid taxes,' in relation to the expense of publishing notice of tax sales in Niagara county." (No. 441, Int. No. 129.)

"An act to amend chapter 108 of the Laws of 1904, entitled 'An act to provide for the construction of an extension of the building in the Central park, in the city of New York, occupied by the Metropolitan Museum of Art,' relating to authorizing the issue of corporate stock of the city of New York, instead of revenue bonds." (No. 442, Int. No. 148.)

"An act to amend the Greater New York charter, relative to the deposits made by bidders." (No. 443, Int. No. 150.)

"An act to amend the Greater New York charter, relative to the sale of property at auction." (No. 444, Int. No. 153.)

"An act to amend the Greater New York charter, relative to the purchase of land by the board of estimate and apportionment." (No. 445, Int. 154.)

"An act to amend 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to filling vacancies in office of mayor." (No. 446, Int. No. 206.)

Mr. Rigby offered for the consideration of the House a resolution, in the words following:

Resolved, That the Committee on affairs of cities be discharged from the further consideration of Senate bill No. 138, entitled

"An act to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1st, 1906, and for which no provision has been made in the sinking fund." (Rec. No. 12.)

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Rigby, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Rigby, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 106

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hurd	Perham	Stanley
Allen F E	Donovan	Kavanaugh	Perry	Steele
Anderson	Dowling	La Fetra	Phillips	Stevens
Bass	Etsel	Leggett	Plank	Sullivan
Becker	Everett	Lewis	Pratt	Thompson G F
Bedell	Fish	Maier	Prentice	Thompson J A
Beihliff	Foelker	Malloy	Quinn	Tompkins
Bird	Foster	Mathews T F	Reeve	Waddell
Brady	Francisco	McKeown	Rigby	Wagner
Brooks	Freidel	McManus	Rogers	Wadsworth
Burnett	Fuller	Mead	Salomon	Wedemeyer
Burzynski	Gardner	Merritt	Sammon	West
Byrhe	Grady	Monroe	Schoeneck	Whitney F G
Cahn	Grattan	Moreland	Shanahan	Whitney G H
Carrier	Gurnett	Murphy	Sheehy	Wiegand
Charles E E	Hackett	Newton	Sherry	Wilson
Charles W B	Hanford	Nugent	Slocum	Wolf
Cooke	Hapeman	Ogden	Smith A E	Wood F C
Cotton	Hastings	O'Neill	Smith J E	Wood F X
Coutant	Hooper	Parker	Smith J T	Yale
Cox	Hornidge	Patton	Smith R H	Young
Cunningham				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Tompkins offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on the judiciary be discharged from the further consideration of Assembly bill No. 390, entitled "An act to legalize and validate the official acts of notaries public" (Int. No. 390), and that said bill be referred to the committee on general laws.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Senate bill (No. 104) entitled "An act to amend chapter 108 of the Laws of 1904, entitled 'An act to provide for the construction of an extension of the building in the Central park, in the city of New York, occupied by the Metropolitan Museum of Art'" (Rec. No. 1), was read the second time.

On motion of Mr. Agnew, said bill was placed on the order of third reading.

On motion of Mr. Agnew, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	La Rue	Perry	Stanley
Allen J G	Dale	Lewis	Phillips	Stevens
Anderson	Donovan	Maier	Platt	Sullivan
Apgar	Dowling	Malloy	Prentice	Thompson G F
Becker	Etzel	Mathews T F	Quinn	Thompson J A
Bedell	Everett	Matthews C R	Reeve	Thonet
Beebe	Fitzsimons	McKeown	Reilly	Waddell
Beihilf	Foster	McManus	Rogers	Wade
Bisland	Freidel	Mead	Rosenstein	Wadsworth
Brady	Fuller	Merritt	Sammon	Wainwright
Brooks	Gates	Miller	Schoeneck	West
Burns	Grady	Monroe	Scovill	Wemple
Burzynski	Gray	Moreland	Shanahan	Whitney F G
Cadin	Hackett	Murphy	Sheldon	Wiegand
Callahan	Hanford	Newton	Sherry	Wilsnack
Carrier	Hapeman	Nugent	Slocum	Wolf
Charles E E	Hastings	O'Neill	Smith A P	Wood F C
Charles W B	Hooper	Palmer	Smith J E	Wood F X
Coon	Hubbs	Patton	Smith J T	Yale
Cotton	Kavanaugh	Pendry	Standart	Young
Cowan	Knapp			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 262) entitled "An act to amend the Forest, Fish and Game Law, in relation to muskallonge" (Int. No. 262), having been announced for a third reading,

On motion of Mr. Foster, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The bill (No. 241) entitled "An act to amend the Tax Law, in relation to the time of making assessment" (Int. No. 241), having been announced for a third reading,

On motion of Mr. Wade, and by unanimous consent, said bill was ordered placed on the third reading calendar for Tuesday next.

The bill (No. 289) entitled "An act to amend the Poor Law, in relation to the relief of Indians in case of epidemic" (Int. No. 289), having been announced for a third reading,

On motion of Mr. Sheldon, and by unanimous consent, said bill was ordered placed on the third reading calendar for Thursday next.

The bill (No. 178) entitled "An act to continue and extend the charter of the Suffolk County Mutual Insurance Company (Int. No. 177), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hastings	Newton	Smith J E
Allen F E	Cowan	Hooker	Ogden	Smith R H
Allen J G	Cunningham	Hooper	Palmer	Standart
Anderson	Dale	Hubbs	Parker	Steele
Apgar	Donovan	Hurd	Patton	Tenjost
Bass	Dowling	Knapp	Perry	Thompson J A
Bedell	Etzel	La Fetra	Plank	Tompkins
Beebe	Evans	La Rue	Pratt	Wade
Beihlf	Fish	Leggett	Prentice	Wadsworth

Bird	Fitzsimons	Lewis	Quinn	Wedemeyer
Brady	Foster	Maier	Reilly	West
Brooks	Francisco	Malloy	Rigby	Whitney F G
Burns	Freidel	Mathews T F	Rosenstein	Whitney G H
Burzynski	Gardner	Matthews C R	Sammon	Wilsnack
Cadin	Gates	McKeown	Schoeneck	Wilson
Callahan	Grattan	McManus	Shanahan	Wolf
Carrier	Gray	Mead	Sheldon	Wood F C
Charles E E	Hackett	Miller	Shuttleworth	Wood F X
Cooke	Hanford	Monroe	Slocum	Yale
Coon	Hapeman	Moreland	Smith A E	Young
Cotton				

Ordered. That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 197) entitled "An act to amend chapter 30 of the Laws of 1904, entitled 'An act for the planting of shade trees in the village of Kenmore, county of Erie,' by authorizing a petition of property holders on a portion of a street" (Int. No. 197), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 4

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Prentice	Thompson J A
Allen F E	Dale	La Fetra	Quinn	Thonet
Allen J G	Donovan	La Rue	Reilly	Tompkins
Anderson	Ellis	Leggett	Rigby	Waddell
Apgar	Etsel	Maier	Rogers	Wade
Becker	Everett	Malloy	Salomon	Wagner
Bedell	Fitzsimons	Mathews T F	Sammon	Wadsworth
Beebe	Foelker	Matthews C R	Schoeneck	Wainwright
Bird	Francisco	McKeown	Scovill	Wedemeyer
Bisland	Freidel	Mead	Sheehy	West
Brooks	Gardner	Merritt	Shuttleworth	Whitney F G
Burns	Grady	Monroe	Smith A P	Whitney G H
Burzynski	Grattan	Moreland	Smith A E	Wiegand
Cadin	Gurnett	Newton	Smith J T	Wilsnack
Callahan	Hackett	Nugent	Smith R H	Wilson
Carrier	Hanford	O'Neill	Standart	Wolf
Charles E E	Hapeman	Parker	Steele	Wood F C
Charles W B	Hastings	Patton	Sullivan	Wood F X
Cooke	Hooper	Plank	Tenjost	Yale
Cotton	Hornidge	Pratt	Thompson G F	Young
Coutant	Hubbs			

Those who voted in the negative were:

Palmer	Perham	Phillips	Sheldon
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Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 250) entitled "An act to amend chapter 480 of the Laws of 1894, entitled 'An act in relation to the village of Fredonia,' in relation to the collector" (Int. No. 250), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Perham	Stanley
Allen F E	Dale	La Fetra	Perry	Steele
Allen J G	Donovan	Leggett	Pratt	Stevens
Anderson	Dowling	Lewis	Prentice	Sullivan
Bass	Ellis	Maier	Quinn	Thompson G F
Becker	Evans	Malloy	Reeve	Thompson J A
Bedell	Everett	Mathews T F	Rigby	Thonet
Beebe	Fish	Matthews C R	Rogers	Tompkins
Bird	Foelker	McKeown	Rosenstein	Wade
Bisland	Francisco	McManus	Sammon	Wagner
Brooks	Freidel	Mead	Schoeneck	Wainwright
Burnett	Gardner	Miller	Scovill	Wedemeyer
Burzynski	Grady	Moreland	Sheehy	West
Byrne	Grattan	Murphy	Sheldon	Wemple
Cahn	Gurnett	Newton	Sherry	Whitney F G
Callahan	Hackett	Nugent	Slocum	Wiegand
Caughlan	Hanford	O'Neill	Smith A P	Wilsnack
Charles E E	Hartman	Palmer	Smith J E	Wolf
Cooke	Hastings	Parker	Smith R H	Wood F C
Cotton	Hornidge	Pendry	Standart	Wood F X
Coutant	Hubbs			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Parker offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 106, entitled "An act to legalize, ratify and confirm the elections held, by the voters of Union free school district number 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose

of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds" (Int. No. 106), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

By unanimous consent, Mr. McManus offered for the consideration of the House a resolution, in the words following:

Resolved, That there be printed 1,000 additional copies of Assembly bill No. 189, entitled "An act to provide for the treatment of persons, residents of the city of New York, who are habitually intoxicated or who are found guilty of intoxication or who become incompetent or dangerous from the use of alcoholic stimulants, opiates, narcotics or drugs of any description," for the use of the Assembly.

Said resolution was referred to the committee on public printing.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to amend section 110 of chapter 560 of the Laws of 1904, entitled 'An act to revise the charter of the city of Rome'" (No. 42, Int. No. 42.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rome.

"An act to legalize the bonds of the village of Alfred, in the county of Allegany, to be issued for the purpose of constructing a system of water works to supply pure water for domestic and fire purposes for said village and to legalize all proceedings in relation thereto, including the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 17th day of September, 1901, and also the resolution submitted by the board of trustees of said village to its qualified electors at a special election held on the 31st day

of August, 1903, and to provide for the payment of said bonds." (No. 186, Int. No. 185.)

Ordered, That the Clerk deliver said bill to the Governor.

"An act authorizing the city of Rome to issue bonds for the purpose of paying for extending and constructing street improvement." (No. 43, Int. No. 43.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Rome.

"An act to provide for the building of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof." (No. 221, Int. No. 221.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Elmira.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 106, entitled "An act to legalize, ratify and confirm the elections held by the voters of Union free school district number 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds" (Int. No. 106), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

By unanimous consent, the fact that Messrs. Callahan, Foelker and Grattan were unavoidably absent from yesterday's session and would, if present, have voted for Lucian L. Shedden for Regent, was ordered entered upon the Journal.

The Clerk announced the appointment of Charles Gardiner as page in place of Thomas Birch, removed, and that said appointment took effect on the 4th day of February, 1905.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,  
ALBANY, *February 8, 1905.*

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 31, entitled "An act to legalize the official acts of the Bergen fire department, incorporated, of the village of Bergen, Genesee county." (Int. No. 31.)

FRANK W. HIGGINS.

At eleven o'clock and thirty minutes, on motion of Mr. Rogers, the House took a recess until eleven o'clock and forty-five minutes.

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ELEVEN O'CLOCK AND FORTY-FIVE MINUTES A. M.

The House again met.

Mr. Rogers offered for the consideration of the House a resolution, in the words following:

Resolved, That a committee of two be appointed to wait upon the Senate and inform that body that the Assembly will be ready at the time designated by law and a concurrent resolution of the Senate and Assembly, to meet in joint assembly for the purpose of comparing nominations of the Senate and Assembly, relative to the election of a Regent of the University.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Speaker appointed as such committee Messrs. Rogers and Palmer.

Senators Carpenter and Riordan, a committee on the part of the Senate, appeared before the Assembly and announced that the Senate would be ready to meet that body in joint assembly at the time prescribed by law and a concurrent resolution of the Senate and Assembly, to compare journals of the Senate and Assembly relative to the election of Regent of the University in the place of Albert Van Der Veer.

Mr. Rogers, from the committee appointed to inform the Senate that the Assembly would be ready to meet that body in joint

assembly at the time prescribed by law and the concurrent resolution of the Senate and Assembly to compare journals, returned and reported that they had performed that duty.

The hour of 12 o'clock m. having arrived, the Senate thereupon appeared in the Assembly Chamber, whereupon the Lieutenant-Governor announced that the Senate and Assembly were in joint assembly for the purpose of electing a Regent of the University in the place of Albert Van Der Veer.

The Clerk of the Senate then read the journal of the proceedings of the Senate, relating to the election of a Regent of the University. The Clerk of the Assembly then read the journal of the Assembly relating to the election of a Regent of the University.

The journals of the Senate and Assembly being found to agree on the name of Lucian L. Shedden, the Lieutenant-Governor announced and declared that Lucian L. Shedden had been duly elected Regent of the University for the term of eleven years beginning on the 1st day of April, 1905.

On motion of Senator Raines, the joint convention then adjourned.

The Senate then retired from the Assembly Chamber.

Mr. Speaker announced that on the joint assembly of the Senate and Assembly to compare journals of the Senate and Assembly relative to the election of a Regent of the University that the journals of the two Houses were found to agree upon the name of Lucian L. Shedden of the city of Plattsburg, in the county of Clinton, who was declared elected Regent of the University for a term of eleven years beginning on the 1st day of April, 1905.

On motion of Mr. Rogers, the House adjourned.

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## THURSDAY, FEBRUARY 9, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the Chair.

Prayer by Rev. A. H. Eaton.

On motion of Mr. Burnett, the reading of the journal of yesterday was dispensed with and the same was approved.



Mr. Speaker presented the annual report of the Institution for the Improved Instruction of Deaf-Mutes, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the Conrad Poppenhusen Association, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the New York State Soldiers and Sailors' Home at Bath, which was laid upon the table and ordered printed.

(See Document.)

Mr. Moreland was excused until Monday, February 13th, Mr. Bass until the 15th inst., and Mr. J. E. Smith until Wednesday next.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the department of public instruction" (No. 155, Rec. No. 17), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter 105 of the laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, in relation to the annual assessment rolls" (No. 62, Rec. No. 18), which was read the first time and referred to the committee on affairs of cities.

Mr. Bisland introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the close season on hares and rabbits" (Int. No. 476), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the close season on woodcock in Sullivan county" (Int. No. 477), which was read the first time and referred to the committee on fisheries and game.

Mr. Hornidge introduced a bill entitled "An act to legalize, ratify and confirm certain contracts executed by a board of supervisors with the authorities of the county of Kings for the recep-

tion into the penitentiary of said county of persons sentenced to imprisonment in a county jail or penitentiary, and to authorize the payment of claims arising thereunder " (Int. No. 478), which was read the first time and referred to the committee on internal affairs.

Mr. T. F. Mathews introduced a bill entitled "An act to amend the Banking Law relative to loans upon the second or divided mortgage plan " (Int. No. 479), which was read the first time and referred to the committee on banks.

Mr. Moreland introduced a bill entitled "An act to amend the Town Law relative to certificates of audit of town accounts " (Int. No. 480), which was read the first time and referred to the committee on internal affairs.

Mr. R. H. Smith introduced a bill entitled "An act to amend chapter 665 of the Laws of 1897, entitled 'An act to lay out and establish and construct a public drive and parkway in the city of New York as an extension of Riverside drive to the Boulevard LaFayette,' relative to assessments of damages " (Int. No. 481), which was read the first time and referred to the committee on affairs of cities.

Mr. G. F. Thompson introduced a bill entitled "An act to amend the Liquor Tax Law in relation to a special deputy commissioner of excise for the county of Niagara " (Int. No. 482), which was read the first time and referred to the committee on excise.

Mr. Wainwright introduced a bill entitled "An act to provide for the erection of a monument in commemoration of the battle of White Plains " (Int. No. 483), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to amend section 3 of title 5 of chapter 556 of the Laws of 1894, entitled 'An act to revise, amend and consolidate the general acts relating to public instruction ' " (Int. No. 484), which was read the first time and referred to the committee on public education.

Mr. Wemple introduced a bill entitled "An act to amend chapter 865 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' in relation to the membership of said association, its constitution and by-laws, reducing the number of its managers and trustees, providing for their election, and regulating the use of its prem-

ises" (Int. No. 485), which was read the first time and referred to the committee on charitable and religious societies.

Mr. West introduced a bill entitled "An act to amend the Village Law in relation to the number of members of a municipal board" (Int. No. 486), which was read the first time and referred to the committee on affairs of villages.

Mr. Wilsnack introduced a bill entitled "An act to transfer to the city of New York the normal and training school in the borough of Queens, city of New York, formerly in the village of Jamaica and county of Queens" (Int. No. 487), which was read the first time and referred to the committee on public education.

Mr. F. C. Wood introduced a bill entitled "An act to amend the Election Law by providing for a special registration of electors absent from the State" (Int. No. 488), which was read the first time and referred to the committee on the judiciary.

Mr. Agnew introduced a bill entitled "An act to amend sections 150 and 156 of the Railroad Law, relative to the Board of Railroad Commissioners" (Int. No. 490), which was read the first time and referred to the committee on Railroads.

Mr. Cox introduced a bill entitled "An act to amend the Lien Law, relative to liens on animals for labor done and materials furnished" (Int. No. 491), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof, in relation to obtaining expressions of opinion of electors on questions of public policy at general elections" (Int. No. 492), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof, in relation to submitting to the people of Buffalo at elections, ordinances, resolutions or acts of the common council and board of park commissioners of Buffalo, granting property or franchises to persons or corporations" (Int. No. 493), which was read the first time and referred to the committee on affairs of cities.

Mr. Lewis introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine

the alleged claims of Guy R. Burleigh against the State for damages alleged to have been sustained by him and to render judgment therefor" (Int. No. 494), which was read the first time and referred to the committee on claims.

Mr. Fish introduced a bill entitled "An act to amend the Insanity Law, relating to the management of State hospitals, abolishing the boards of visitation and creating boards of managers therefor, and defining the powers and duties of the boards of managers and of the State Commission in Lunacy" (Int. No. 496), which was read the first time and referred to the committee on the judiciary.

Mr. Perham introduced a bill entitled "An act to amend the Code of Civil Procedure, with respect to the city court of the city of New York, and providing for the election of additional judges of said court" (Int. No. 497), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the municipal court act of the city of New York relative to appeals" (Int. No. 498), which was read the first time and referred to the committee on the judiciary.

Mr. Stanley introduced a bill entitled "An act to amend the Legislative Law, relative to transportation for members of the Legislature" (Int. No. 499), which was read the first time and referred to the committee on ways and means.

By unanimous consent,

Mr. Rigby introduced a bill entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county of Westchester, and to provide means for the payment thereof" (Int. No. 531), which was read the first time and referred to the committee on internal affairs.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Rogers, Int. No. 126, entitled "An act to provide for the payment of office expenses and salaries of employees in the office of the State Superintendent of Elections for the metropolitan elections district" (No. 126), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Burnett, Int. No. 308, entitled "An act to amend chapter 598 of the Laws of 1892, entitled 'An act to provide for reporting the decisions of the inferior courts of record in the State of New York,' in relation to the allowance for assistance, clerk hire and office expenses in the miscellaneous reporter's department" (No. 324), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Cotton, Int. No. 344, entitled "An act to re-appropriate money for the acquisition of additional land for the Creedmore Rifle Range, as provided by chapter 633 of the Laws of 1903, and making the same applicable for improvements to said rifle range" (No. 383), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Brooks, Int. No. 109, entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplemental thereto, in relation to fixing the term of office of the mayor of the city of Buffalo" (No. 109), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Bedell, Int. No. 338, entitled "An act to amend the Railroad Law, in relation to approval of lease by stockholders" (No. 377), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Phillips, Int. No. 236, entitled "An act to amend the Code of Civil Procedure, relative to the cases in which an action in divorce may be maintained" (No. 236), reported in favor of the passage of the same without



amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Stanley, Int. No. 388, entitled "An act to amend the Penal Code prohibiting the corrupt influencing of agents, employees or servants" (No. 388), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 1, line 5, strike out the word "corruptly."

Same page, line 6, after the word "whatever" insert the words "without the knowledge and consent of the principal, employer or master of such agent, employee or servant."

Same page, line 8, strike out the word "corruptly."

Same page, line 8, before the word "requests" insert the words "without the knowledge and consent of his principal, employer or master."

Page 2, line 16, commencing with the word "no" strike out all down to and including line 2 on page 3.

JESSE S. PHILLIPS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Burnett, Int. No. 258, entitled "An act to amend the Code of Civil Procedure, in relation to the fees of constables and deputy sheriffs in Ontario county" (No. 258), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 1, line 9, strike out the word "Ontario."

Page 2, line 4, strike out the word "county," and before the words "of Orange" insert the word "counties."

Same page, line 4, after the word "Orange" insert the words "and Ontario."

JESSE S. PHILLIPS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Phillips, from the committee on codes, to which was recommitted the bill introduced by Mr. Pendry, Int. No. 55, entitled "An act to amend the Code of Civil Procedure in relation

to the Brooklyn Law School of St. Lawrence University" (No. 423), retaining its place on the order of second reading, reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 2, line 3, underscore the word "or" and the words "and the Brooklyn law school of."

Same page, line 4, underscore the word "university."

Same page, line 6, strike out the word "immediately" and insert in place thereof the words "June first, nineteen hundred and five."

JESSE S. PHILLIPS.

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. G. H. Whitney, Int. No. 334, entitled "An act to amend chapter 206 of the Laws of 1902, entitled 'An act in relation to the removal of the remains of deceased soldiers from Potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries,' providing for the payment of certain expenses by the county" (No. 334), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Prentice, Int. No. 91, entitled "An act to provide for the payment of fines, penalties or forfeitures imposed or collected for taking part in the game of policy" (No. 91), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Lewis, Int. No. 407, entitled "An act to amend the Poor Law relating to the relief of soldier, sailors and their families" (No. 407), reported in favor

of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Rosenstein, Int. No. 63, entitled "An act to prevent the placing of fences on roofs for the display of advertisements other than for the business of lessee of building on which the fence is built, the same to be no higher than four feet. Also of fences on ground in front of vacant lots, the same to be no higher than seven feet from ground to top of fence in any portion of the city of New York known as the borough of Manhattan, Bronx and Brooklyn, and to have all fences now on roofs and on ground in violation of this act removed before August, 1904" (No. 63), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Amend the title to read as follows:

"An act to prevent the placing of fences on roofs for the display of advertisements other than for the business of lessee of building on which the fence is built, the same to be no higher than four feet. Also of fences on ground in front of vacant lots, which fences are used for advertising purposes, the same to be no higher than eight feet from ground to top of fence in any portion of the city of New York known as the borough of Manhattan, Bronx and Brooklyn, and to have all fences now on roofs and on ground in violation of this act removed before August first, nineteen hundred and five."

Page 1, line 3, after the word "permit" insert the words "to be erected," and after the word "fence" insert the words "for advertising purposes if".

Page 2, line 1, after the word "or" insert the word "if," and after the word "roof" insert a comma.

Same page, line 2, strike out the words "for the advertisement of the occupant".

Same page, line 3, strike out the words "of building upon which fence is erected".

Same page, line 12, strike out the words "This act shall take effect immediately" and insert the words "This act shall take effect August first, nineteen hundred and five".

EDWIN A. MERRITT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. J. A. Thompson, Int. No. 392, entitled "An act to amend chapter 418 of the Laws of 1897, being chapter 49 of the general laws, being the Lien Law, and the several acts amendatory thereof" (No. 392), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Amend the title to read as follows:

"An act to amend the lien law, in relation to liens for wages."

Page 1, line 1, strike out the words "Section three of article one of;" also, strike out small "c" in the word "chapter" and insert a capital "C".

Same page, line 2, after the word "ninety-seven" insert the words "entitled 'An act in relation to liens, constituting chapter forty-nine of the general laws,' is hereby amended by inserting a new section to be section three-a thereof, and to read as follows:"

Same page, line 3, strike out all of line.

Same page, line 4, strike out the words "amended by adding thereto the following".

Same page, same line, before the word "Every" insert "§ 3-a. Liens for wages."

Page 2, line 5, strike out the word "act" and insert the word "chapter".

Same page, line 7, strike out the word "act" and insert the word "chapter".

Same page, line 17, strike out "§ 2."

Same page, line 18, strike out the word "act" and insert the word "section".

Same page, line 22, strike out the figure "3" and insert the figure "2".

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

EDWIN A. MERRITT,

*Chairman.*

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. W. B. Charles, Int. No. 343, entitled "An act to legalize the bonds of the village of Fonda, Montgomery county, N. Y., amounting to the sum of \$23,000, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds" (No. 382), reported in favor of the passage of the same

without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. A. P. Smith, Int. No. 311, entitled "An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village" (No. 311), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Burnett, Int. No. 287, entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof in relation to the office of treasurer, taxation and assessments" (No. 308), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Evans, Int. No. 220, entitled "An act to amend the Village Law relative to crosswalks and sidewalks" (No. 220), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. Raines, Rec. No. 9, entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof in relation to the office of treasurer, taxation and assessments" (No. 161), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. Carpenter, Rec.



No. 13, entitled "An act to legalize and to provide for the payment of bonds of the village of Tuckahoe in the county of Westchester, directed to be issued for the improvement of Washington and a portion of Breckinredge streets in said village" (No. 173), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Plank, from the committee on excise, to which was referred the bill introduced by Mr. Friedel, Int. No. 227, entitled "An act to amend the Liquor Tax Law, relative to publication of decisions of the courts" (No. 227), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the bill introduced by Mr. Cox, Int. No. 209, entitled "An act to amend chapter 188 of the Laws of 1862, entitled, 'An act to incorporate the New York State Convention of Universalists,' relative to the power to sell and convey real estate" (No. 209), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the bill introduced by Mr. Stevens, Int. No. 117, entitled "An act to provide for the endowment of chapels and crematories" (No. 117), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Town Law, in relation to fees of supervisors." (No. 447, Int. No. 242.)

"An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate, and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to elections, the submission of tax propositions, and the qualifications of voters." (No. 425, Int. No. 194.)

The bill (No. 289) entitled "An act to amend the Poor Law, in relation to the relief of Indians in case of epidemic" (Int. No. 291), having been announced for a second reading,

Mr. Sheldon moved that said bill be recommitted to the committee on public health, with instructions to report the same forthwith amended as follows:

Page 2, line 8, strike out the words "board of charities" and insert the words "commissioner of health;" also, strike out the word "board" and insert the word "commissioner."

Same page, line 10, after the word "properly," insert the words "and necessarily."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Sheldon, from the committee on public health, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

**The bill (No. 429) entitled "An act making appropriations for the support of government" (Int. No. 419), having been announced for a third reading,**

Mr. Palmer moved to amend as follows:

Page 56, strike out lines 1 to 16 inclusive.

Debate was had thereon, when

Mr. Burnett moved the previous question.

Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Palmer, and it was determined in the negative.

AYES 40

NOES 99

Those who voted in the affirmative were:

Anderson	Dale	Hackett	McManus	Sherry
Bird	Dodd	Hornidge	Palmer	Smith A E
Burns	Donovan	Kavanaugh	Prince	Smith R H
Burzynski	Ellis	La Fetra	Reilly	Sullivan
Byrne	Everett	Machacek	Rosenstein	Tompkins
Cahn	Fitzsimons	Malloy	Salomon	Wedemeyer
Caughlan	Grady	Mathews T F	Shanahan	Wiegand
Cooke	Gurnett	McKeown	Sheehy	Wolf

Those who voted in the negative were:

Agnew	Cowan	Hooper	Perham	Steele
Allen F E	Cunningham	Hubbs	Perry	Stevens
Allen J G	Dowling	Hurd	Phillips	Tenjost
Apgar	Etzel	Knapp	Plank	Thompson G F
Becker	Evans	La Rue	Platt	Thonet
Bedell	Fish	Leggett	Pratt	Waddell

Beebe	Foelker	Lewis	Prentice	Wade
Beihlf	Foster	Maier	Reeve	Wadsworth
Bisland	Francisco	Matthews C R	Rigby	Wainwright
Brady	Freidel	Mead	Rogers	West
Brooks	Gardner	Merritt	Santee	Wemple
Burnett	Gates	Miller	Schoeneck	Whitney F G
Cadin	Grattan	Monroe	Scovill	Whitney G H
Callahan	Gray	Murphy	Sheldon	Wilsnack
Carrier	Hammond	Newton	Shuttleworth	Wilson
Charles E E	Hanford	Ogden	Slocum	Wood F C
Charles W B	Hapeman	O'Neill	Smith A P	Wood F X
Coon	Hartman	Parker	Smith J T	Yale
Cotton	Hastings	Patton	Standart	Young
Coutant	Hooker	Pendry	Stanley	

Mr. Apgar in the chair.

Mr. Fuller moved to amend as follows :

Page 13, strike out all of lines 18, 19, 20, 21, 22, 23.

Page 17, strike out all of lines 6, 7, 8, 9, 10, 11.

Page 19, line 23, change the word and figure "seven " to " four."

Page 20, strike out lines 23, 24, 25.

Page 21, lines 25 and 26, change the words and figures " seven " to " five."

Page 23, strike out lines 1, 2, 3, 4, 5, 6, 7.

Page 48, strike out lines 4, 5, 6.

Page 48, strike out lines 8, 9, 10.

Page 50, strike out lines 21, 22, 23, 24, 25, 26.

Page 65, strike out lines 11, 12, 13.

Page 67, strike out lines 14, 15, 16, 17.

Page 67, strike out the words " and two thousand three hundred dol- " on line 19, and all of lines 20, 21, 22.

Page, 70, strike out lines 12, 13, 14, 15, 16, 17.

Page 90, strike out lines 3, 4, 5, 6, 7, 8, 9.

Page 92, strike out lines 6, 7, 8, 9.

Page 93, strike out lines 15, 16, 17.

Mr. Speaker put the question whether the House would agree to said motion and it was determined in the negative

AYES 31

NOES 79

Those who voted in the affirmative were :

Bird	Ellis	Kavanaugh	Palmer	Thompson J A
Burns	Everett	La Fetra	Prince	Tompkins
Byrne	Fuller	Machacek	Rosenstein	Wagner
Cahn	Grady	Mathews T F	Salomon	Wedemeyer
Cooke	Hackett	McManus	Sammon	Wiegand
Dodd	Hornidge	Nugent	Shanahan	Wolf
Donovan				

Those who voted in the negative were:

Agnew	Cowan	Matthews C R	Prentice	Stevens
Allen F E	Cunningham	Mead	Reeve	Thompson G F
Apgar	Evans	Merritt	Rigby	Waddell
Bass	Fish	Miller	Rogers	Wade
Bedell	Foelker	Monroe	Santee	Wadsworth
Beebe	Francisco	Murphy	Schoeneck	Wainwright
Beihilf	Freidel	Newton	Scovill	West
Bisland	Gates	Ogden	Sheldon	Wemple
Brady	Grattan	O'Neill	Shuttleworth	Whitney F G
Cadin	Gray	Parker	Slocum	Whitney G H
Callahan	Hammond	Patton	Smith A P	Wilsnack
Carrier	Hanford	Pendry	Smith J E	Wilson
Charles E E	Hapeman	Perham	Smith J T	Wood F C
Charles W B	Hooker	Phillips	Standart	Yale
Coon	Knapp	Plank	Stanley	Young
Coutant	Maier	Platt	Steele	

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 107

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hartman	O'Neill	Smith A P
Allen F E	Cotton	Hooker	Palmer	Smith J E
Allen J G	Coutant	Hooper	Parker	Smith J T
Apgar	Cowan	Hurd	Pendry	Standart
Becker	Cunningham	Kavanaugh	Perham	Stanley
Bedell	Dale	La Fetra	Phillips	Stevens
Beebe	Dodd	La Rue	Plank	Tenjust
Beihilf	Dowling	Lewis	Pratt	Thompson J A
Bird	Ellis	Machacek	Prentice	Thonet
Bisland	Etzel	Maier	Quinn	Waddell
Brady	Evans	Malloy	Reilly	Wagner
Brooks	Everett	Mathews T F	Rigby	Wadsworth
Burnett	Fitzsimons	Matthews C R	Rosenstein	Wainwright
Burns	Foelker	McKeown	Salomon	West
Burzynski	Francisco	McManus	Santee	Wemple
Byrne	Fuller	Mead	Schoeneck	Whitney F G
Cahn	Gardner	Miller	Scovill	Wiegand
Callahan	Grady	Monroe	Sheehy	Wilsnack
Carrier	Gray	Moreland	Sheldon	Wolf
Charles E E	Gurnett	Murphy	Shuttleworth	Wood F X
Charles W B	Hammond	Nugent	Slocum	Yale
Cooke	Hapeman			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Rogers in the chair.

The bill (No. 443) entitled "An act to amend the Greater New York charter, relative to the desposits made by bidders" (Int. No. 150), having been announced for a third reading,

On motion of Mr. Hornidge, said bill was recommitted to the committee on affairs of cities, retaining its place on the order of third reading.

The bill (No. 444) entitled "An act to amend the Greater New York charter, relative to the sale of property at auction" (Int. No. 153), was read the third time, having been printed and upon the desks of the members in its final form three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 105

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hornidge	Pendry	Stanley
Allen F E	Coutant	Hubbs	Phillips	Steele
Allen J G	Cowan	Kavanaugh	Plank	Stevens
Anderson	Cunningham	Knapp	Platt	Sullivan
Apgar	Dale	La Petra	Pratt	Tenjust
Becker	Dodd	Leggett	Prince	Thompson J A
Bedell	Dowling	Machacek	Quinn	Thonet
Beebe	Ellis	Maier	Reeve	Waddell
Beihlf	Evans	Malloy	Reilly	Wade
Bisland	Fish	Mathews T F	Rogers	Wagner
Brady	Fitzsimons	Matthews C R	Rosenstein	Wainwright
Burnett	Foster	McKeown	Salomon	Wedemeyer
Burns	Freidel	McManus	Santee	West
Burzynski	Fuller	Merritt	Scovill	Whitney F G
Cadin	Gates	Miller	Shanahan	Whitney G H
Cahn	Grattan	Monroe	Sheldon	Wilsnack
Callahan	Gurnett	Moreland	Shuttleworth	Wilson
Caughlan	Hammond	Newton	Slocum	Wolf
Charles E E	Hanford	Nugent	Smith A E	Wood F X
Charles W B	Hartman	Ogden	Smith J T	Yale
Cooke	Hooker	Palmer	Smith R H	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 445) entitled "An act to amend the Greater New York charter relative to the purchase of land by the board of estimate and apportionment" (Int. No. 154), was read the third



time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Allen F E	Cooke	Hanford	Ogden	Smith J E
Allen J G	Cotton	Hapeman	Palmer	Smith J T
Anderson	Cowan	Hastings	Parker	Steele
Apgar	Cox	Hooper	Pendry	Stevens
Bass	Cunningham	Hubbs	Perry	Tenjust
Becker	Dale	Kavanaugh	Phillips	Thompson G F
Bedell	Dodd	Knapp	Platt	Thonet
Beihlf	Dowling	La Rue	Pratt	Waddell
Bird	Ellis	Leggett	Prince	Wade
Bisland	Etzel	Lewis	Quinn	Wagner
Brady	Everett	Machacek	Reeve	Wainwright
Brooks	Fitzsimons	Maier	Rigby	Wedemeyer
Burnett	Foelker	Mathews T F	Rogers	Wemple
Burns	Francisco	Matthews C R	Salomon	Whitney G H
Burzynski	Freidel	McKeown	Santee	Wiegand
Byrne	Fuller	McManus	Schoeneck	Wilson
Cadin	Gates	Merritt	Scovill	Wolf
Cahn	Grattan	Miller	Sheehy	Wood F C
Carrier	Gray	Moreland	Shuttleworth	Wood F X
Charles E E	Hackett	Murphy	Smith A P	Yale
Charles W B	Hammond	Nugent	Smith A E	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 446) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to filling vacancies in office of mayor" (Int. No. 206), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooper	Ogden	Smith J T
Allen F E	Cox	Hornidge	O'Neill	Standart
Allen J G	Dale	Hurd	Palmer	Stanley
Anderson	Dodd	Kavanaugh	Patton	Stevens
Bass	Donovan	Knapp	Pendry	Tenjost
Becker	Ellis	La Rue	Perry	Thompson J A
Bedell	Etzel	Lewis	Plank	Tompkins
Beihilf	Everett	Machacek	Platt	Wade
Bird	Fish	Maier	Prentice	Wagner
Brady	Foelker	Malloy	Quinn	Wainwright
Brooks	Foster	Mathews T F	Reilly	West
Burnett	Freidel	Matthews C R	Rogers	Wemple
Burzynski	Fuller	McKeown	Rosenstein	Whitney G H
Burns	Gardner	McManus	Sammon	Wiegand
Cadin	Grady	Mead	Schoeneck	Wilson
Cahn	Grattan	Merritt	Shanahan	Wolf
Carrier	Gurnett	Miller	Sheldon	Wood F C
Caughlan	Hammond	Moreland	Shuttleworth	Wood F X
Charles W B	Hanford	Murphy	Smith A P	Yale
Coon	Hapeman	Newton	Smith A E	Young
Cotton	Hastings			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 448) entitled "An act to amend the Forest, Fish and Game Law, relative to taking duck, geese, brant and swan in the county of Monroe" (Int. No. 223), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 105

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Leggett	Pratt	Thompson G F
Allen F E	Dale	Lewis	Prentice	Thompson J A
Anderson	Donovan	Machacek	Quinn	Thonet
Apgar	Dowling	Maier	Reeve	Tompkins
Bass	Evans	Mathews T F	Rigby	Wade
Becker	Everett	Matthews C R	Rosenstein	Wagner
Bedell	Fitzsimons	McKeown	Salomon	Wadsworth
Beihilf	Foster	McManus	Sammon	Wainwright
Bird	Freidel	Mead	Schoeneck	Wedemeyer
Bisland	Gardner	Miller	Shanahan	West
Brady	Grady	Moreland	Sheehy	Wemple

Burnett	Grattan	Murphy	Sherry	Whitney F G
Burns	Gurnett	Newton	Slocum	Whitney G H
Byrne	Hammond	Nugent	Smith A P	Wiegand
Cadin	Hanford	O'Neill	Smith A E	Wilsnack
Callahan	Hastings	Palmer	Smith J E	Wilson
Caughlan	Hooper	Parker	Smith R H	Wolf
Charles W B	Hornidge	Pendry	Standart	Wood F C
Cooke	Hurd	Perry	Steele	Wood F X
Cotton	Kavanaugh	Plank	Stevens	Yale
Coutant	La Fetra	Platt	Tenjost	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 440) entitled "An act to amend chapter 218 of the Laws of 1884, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor" (Int. No. 123), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 107

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	Hornidge	Palmer	Smith A P
Allen F E	Donovan	Hubbs	Parker	Smith A E
Allen J G	Ellis	Kavanaugh	Patton	Smith J E
Apgar	Etzel	Knapp	Perham	Smith R H
Bass	Everett	La Fetra	Perry	Standart
Becker	Foelker	La Rue	Plank	Steele
Beihlf	Foster	Leggett	Platt	Stevens
Bird	Francisco	Lewis	Prentice	Sullivan
Bisland	Freidel	Machacek	Prince	Thompson G F
Brooks	Fuller	Maier	Quinn	Thompson J A
Burnett	Gardner	Malloy	Reilly	Thonet
Burzynski	Gates	Mathews T F	Rigby	Waddell
Cadin	Grady	Matthews C R	Rogers	Wade
Cahn	Grattan	McKeown	Salomon	Wadsworth
Carrier	Gray	Mead	Santee	Wainwright
Charles E E	Gurnett	Merritt	Schoeneck	West
Cooke	Hackett	Miller	Scovill	Whitney F G

Coon	Hanford	Moreland	Shanahan	Wiegand
Coutant	Hapeman	Murphy	Sheldon	Wilson
Cowan	Hartman	Nugent	Sherry	Wolf
Cox	Hooker	Ogden	Shuttleworth	Wood F X
Cunningham	Hooper			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 441) entitled "An act to amend chapter 744 of the Laws of 1904, entitled 'An act to authorize the treasurer of Niagara county to sell property for unpaid taxes,' in relation to the expense of publishing notice of tax sales in Niagara county" (Int. No. 129), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hooker	Pendry	Sullivan
Allen F E	Cowan	Hornidge	Perham	Thompson G F
Allen J G	Cunningham	Hubbs	Phillips	Thompson J A
Apgar	Dale	Hurd	Platt	Thonet
Bass	Dodd	Knapp	Prentice	Waddell
Becker	Donovan	La Rue	Quinn	Wade
Bedell	Ellis	Lewis	Reilly	Wadsworth
Beihlf	Evans	Maier	Rogers	Wedemeyer
Bird	Everett	Malloy	Salomon	West
Brady	Fish	McKeown	Santee	Wemple
Brooks	Fitzsimons	McManus	Scovill	Whitney F G
Burnett	Foster	Merritt	Sheehy	Whitney G H
Burns	Francisco	Miller	Sheldon	Wiegand
Byrne	Fuller	Monroe	Shuttleworth	Wilsnack
Cahn	Gates	Moreland	Slocum	Wilson
Callahan	Grady	Newton	Smith A E	Wolf
Caughlan	Gray	Nugent	Smith J T	Wood F C
Charles E E	Hackett	O'Neill	Standart	Wood F X
Charles W B	Hanford	Parker	Stanley	Yale
Cooke	Hartman	Patton	Steele	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 442) entitled "An act to amend chapter 108 of the laws of 1904, entitled 'An act to provide for the construction of an extension of the building in the Central park, in the city of New York, occupied by the Metropolitan Museum of Art,' relating to authorizing the issue of corporate stock of the

city of New York, instead of revenue bonds" (Int. No. 148), having been announced for a third reading,

On motion of Mr. Hornidge, said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 366) entitled "An act to amend the Greater New York charter in relation to actions to recover penalties for the violation of any law or ordinance" (Int. No. 373), was read the second time.

On motion of Mr. Prentice, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 372) entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinances" (Int. No. 372), was read the second time.

On motion of Mr. Prentice, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 321) entitled "An act to amend the Forest, Fish and Game Law in relation to the protection of land turtles and wild black bear" (Int. No. 305), was read the second time.

On motion of Mr. Reeve, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 40) entitled "An act to repeal chapter 439 of the Laws of 1876, entitled 'An act relating to the expenses of judicial sales in the county of Kings,' as amended by chapter 167 of the Laws of 1889" (Int. No. 40), having been announced for a second reading,

On motion of Mr. Dowling, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 322) entitled "An act to amend the Highway Law, in relation to working the highways" (Int. No. 306), was read the second time.

On motion of Mr. Wadsworth, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 403) entitled "An act to amend the Highway Law relative to extraordinary repairs of highways or bridges" (Int. No. 403), having been announced for a second reading,



On motion of Mr. Hooker, and by unanimous consent, said bill was ordered placed on the second reading calendar for Tuesday next.

The bill (No. 394) entitled "An act to amend an act entitled 'An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same' in relation to boundaries" (Int. No. 394), was read the second time.

On motion of Mr. G. H. Whitney, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 297) entitled "An act to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating in Sullivan county to acquire by purchase or condemnation, the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plank road or turnpike within said towns, and to provide means for the payment of the same" (Int. No. 297), was read the second time.

On motion of Mr. Bisland, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 306) entitled "An act to amend chapter 905 of the Laws of 1896, entitled 'An act to incorporate the city of Watervliet,' generally" (Int. No. 289), having been announced for a second reading,

Mr. Palmer moved to amend as follows:

Page 3, line 19, strike out whole of page after the word "follows" and all of pages 4 and 5, and page 6 down to the end of line 17, and insert as follows:

"§ 1. Organization and procedure of the common council.—The common council shall be composed of the mayor and aldermen of the city. The mayor shall be the presiding officer of the common council, but shall have no vote therein except in case of a tie, when he shall have the casting vote. At all meetings of the common council each alderman present shall have one vote. In the absence of the mayor, one of the aldermen shall be called to the chair, and shall continue the presiding officer at all meetings of the common council until the mayor shall again be present or until the designation specified in section six of title three

shall have been made. Such alderman shall have the privilege of voting as an alderman, but shall have no casting vote or power to veto. At all meetings of the common council each alderman present shall have one vote. Within thirty days after the passage of this act and at the first meeting of the common council in January of each year, or as soon thereafter as practicable, the aldermen shall convene. The common council shall meet in the common council rooms in the city of Watervliet on the first Wednesday in January of each year, at eight o'clock post meridian. If the first Wednesday of January is a legal holiday, the meeting shall be held on the following day at the same time and place. The common council shall meet at such times during each official year, after their first meeting as they shall by resolution designate. The presence of a majority of the whole number of aldermen in office shall constitute a quorum of the common council. A majority of the aldermen present and voting at any meeting of the common council at which a quorum may be present, shall be sufficient to pass any resolution or ordinance except that no resolution authorizing or involving the expenditure of money raised by taxation, confirming the appointment of an officer by the mayor, or appointing or removing an officer, shall pass unless it shall receive the affirmative votes of a majority of all the aldermen in office. But this act shall not affect the provisions of the charter of the city of Watervliet relative to the appointment of assessors, school or police commissioners. The ayes and nays shall be called and recorded on all resolutions requiring for passage the affirmative votes of all the aldermen in office, as hereinbefore specified. The presiding officer of the common council or any three aldermen may call special meetings by notice in writing served personally upon the aldermen or left at their respective residences or places of business or mailed to their respective postoffice addresses. A mailed notice must be deposited in the postoffice at least twenty-four hours before the time set for holding the special meeting.

On motion of Mr. Grattan, and by unanimous consent, said bill with pending amendments was made a special order on second and third reading for Wednesday next immediately after the reading of the journal.

The bill (No. 233) entitled "An act authorizing the town board of the town of Canton, county of St. Lawrence, to divide such town into election districts" (Int. No. 233), was read the second time.

On motion of Mr. Merritt, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 340) entitled "An act to amend the law creating the town of Green Island by providing for the distribution of the surplus funds of the town of Green Island" (Int. No. 327), was read the second time.

On motion of Mr. Grattan, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Maier	Prince	Steele
Allen F E	Dodd	Mathews T F	Quinn	Sullivan
Allen J G	Dowling	Matthews C R	Reilly	Tenjost
Anderson	Etsel	McKeown	Rigby	Thompson J A
Apgar	Evans	McManus	Rogers	Thonet
Bass	Fish	Mead	Rosenstein	Tompkins
Bedell	Foelker	Miller	Sammon	Waddell
Beebe	Francisco	Monroe	Santee	Wagner
Beihlf	Gardner	Murphy	Schoeneck	Wadsworth
Bisland	Grady	Newton	Seovill	Wedemeyer
Brooks	Grattan	Ogden	Sheehy	West
Burnett	Hammond	Palmer	Sheldon	Whitney F G
Burzynski	Hapeman	Parker	Sherry	Whitney G H
Byrne	Hastings	Patton	Slocum	Wiegand
Cadin	Hooper	Pendry	Smith A P	Wilsnack
Carrier	Hubbs	Perry	Smith A E	Wilson
Charles E E	Kavanaugh	Phillips	Smith J E	Wolf
Cooke	Knapp	Platt	Smith R H	Wood F C
Cotton	La Rue	Pratt	Standart	Yale
Coutant	Leggett	Prentice	Stanley	Young
Cox	Machacek			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 145) entitled "An act to amend chapter 975 of the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town" (Int. No. 2), was read the second time.

On motion of Mr. Grattan, and by unanimous consent, said bill was placed on the order of third reading.

On motion of Mr. Grattan, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hooker	Parker	Smith J T
Allen F E	Coutant	Hornidge	Pendry	Standart
Allen J G	Cowan	Hubbs	Perham	Stanley
Anderson	Cox	Kavanaugh	Phillips	Steele
Appar	Cunningham	Knapp	Plank	Stevens
Bass	Dodd	La Fetra	Platt	Tenjost
Becker	Donovan	La Rue	Prentice	Thompson G F
Bedell	Ellis	Leggett	Prince	Thompson J A
Beebe	Etzel	Lewis	Quinn	Thonet
Beihlf	Everett	Machacek	Reeve	Waddell
Bird	Fish	Mathews T F	Reilly	Wade
Bisland	Foelker	McKeown	Rogers	Wadsworth
Brady	Foster	McManus	Rosenstein	Wainwright
Brooks	Francisco	Mead	Sammon	Wedemeyer
Burnett	Freidel	Merritt	Santee	Wemple
Burns	Gardner	Miller	Schoeneck	Whitney F G
Burzynski	Gates	Monroe	Scovill	Whitney G H
Byrne	Grattan	Moreland	Sheehy	Wiegand
Cadin	Gray	Murphy	Sheldon	Wilsnack
Cahn	Gurnett	Newton	Sherry	Wilson
Carrier	Hammond	Nugent	Shuttleworth	Wolf
Charles E E	Hanford	Ogden	Smith A P	Wood F X
Charles W B	Hapeman	O'Neill	Smith A E	Yale
Cooke	Hastings	Palmer	Smith J E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 181), entitled "An act authorizing the city of Utica to borrow the sum of \$60,000 for the purpose of completing the changing of the channel of the Mohawk river between said city and the town of Deerfield in Oneida county, for the acquisition of lands therefor, the payment of damages incurred thereby and expenses connected therewith, and to issue bonds therefor and providing for the payment thereof" (Rec. No. 14), was read the second time.

On motion of Mr. Gates, said bill was placed on the order of third reading.



On motion of Mr. Gates, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hapeman	Newton	Smith A P
Allen F E	Cotton	Hartman	Nugent	Smith A E
Allen J G	Cowan	Hastings	O'Neill	Smith J T
Anderson	Cox	Hooker	Palmer	Standart
Apgar	Dale	Hooper	Parker	Steele
Bass	Dodd	Hornidge	Patton	Stevens
Becker	Dowling	Hurd	Perham	Thompson G F
Bedell	Ellis	Kavanaugh	Perry	Thonet
Beebe	Evans	La Fetra	Plank	Waddell
Beihlf	Fish	La Rue	Platt	Wade
Bird	Fitzsimons	Leggett	Prentice	Wagner
Bisland	Foster	Lewis	Prince	Wadsworth
Brady	Francisco	Machacek	Reeve	Wedemeyer
Burnett	Freidel	Maier	Rigby	Wemple
Burns	Fuller	Mathews T F	Rogers	Whitney F G
Burzynski	Gardner	Matthews C R	Salomon	Wiegand
Cadin	Gates	McKeown	Santee	Wilsnack
Cahn	Grady	McManus	Schoeneck	Wilson
Callahan	Grattan	Merritt	Shanahan	Wood F C
Caughlan	Gurnett	Miller	Sheehy	Yale
Charles E E	Hackett	Monroe	Sherry	Young
Charles W B	Hanford	Moreland	Shuttleworth	

Ordered, That the Clerk deliver said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

A communication from the Governor was received and read in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,  
ALBANY, N. Y., February 9, 1905.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment, Assembly bill No. 106, entitled "An act to legalize, ratify and confirm the elections held, by voters of union free school district No. 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by



the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000 under authority of said elections and proceedings and to legalize and validate said two series of bonds" (Int. No. 106).

FRANK W. HIGGINS.

Mr. Parker moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 107

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Knapp	Patton	Standart
Allen F E	Dale	La Fetra	Pendry	Steele
Allen J G	Donovan	La Rue	Perry	Stevens
Anderson	Dowling	Leggett	Phillips	Tenjust
Apgar	Ellis	Lewis	Platt	Thompson G F
Becker	Evans	Maier	Pratt	Thonet
Bedell	Fish	Malloy	Prince	Tompkins
Beihlf	Fitzsimons	Mathews T F	Reeve	Wade
Bird	Foster	Matthews C R	Rigby	Wagner
Brady	Freidel	McKeown	Rogers	Wadsworth
Burnett	Fuller	McManus	Rosenstein	Wainwright
Burzynski	Gates	Mead	Sammon	Wedemeyer
Byrne	Grady	Merritt	Santee	Wemple
Cahn	Gray	Miller	Scovill	Whitney F G
Callahan	Hackett	Monroe	Sheehy	Wiegand
Carrier	Hammond	Murphy	Sherry	Wilsnack
Charles E E	Hapeman	Newton	Shuttleworth	Wilson
Charles W B	Hartman	Ogden	Slocum	Wolf
Cooke	Hooker	O'Neill	Smith A P	Wood F X
Coon	Hornidge	Palmer	Smith J E	Yale
Coutant	Hubbs	Parker	Smith R H	Young
Cowan	Kavanaugh			

Mr. Parker moved that said bill be recommitted to the committee on public education with instructions to report the same forthwith amended as follows:

After the word "immediately," on page 2, line 26, add the words "but shall not affect any action or proceeding pending in any court at the time it takes effect."

Mr. Speaker put the question whether the House would agree to said motion and it was determined in the affirmative.

Mr. Wainwright, from the committee on public education, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

Mr. Cahn offered for the consideration of the House a resolution, in the words following:

Resolved, That there be printed for the use of the Assembly 1,000 additional copies of Assembly bill No. 171, entitled "An act to amend the Greater New York charter by adding a new title relative to the retirement fund of the city of New York."

Said resolution was referred to the committee on public printing.

Mr. F. C. Wood offered for the consideration of the House a resolution in the words following:

Resolved, That there be printed for the use of the Assembly 500 extra copies of Assembly bill No. 461, entitled "An act to abolish the county of Hamilton and to annex the territory thereof to the counties of Franklin, Herkimer and Fulton."

Said resolution was referred to the committee on public printing.

The Senate returned the following entitled bills with a message that they have concurred in the passage of the same without amendment:

"An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district." (No. 146, Int. No. 23.)

"An act to amend chapter 141 of the Laws of 1904, entitled 'An act to authorize the town board of the town of Hancock, Delaware county, to issue bonds of such town to provide for the construction of an iron bridge over the Beaverkill river therein,' in relation to the time of payment of such bonds." (No. 172, Int. No. 172.)

Ordered, That the Clerk deliver said bills to the Governor.

"An act to amend chapter 101 of the Laws of 1881, entitled 'An act to provide for a supply of water in the village of Amster-

dam, and to exempt said village from the provisions of chapter 181 of the Laws of 1875,' relative to the powers of the water commissioners." (No. 347, Int. No. 38.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Amsterdam.

"An act to amend the Greater New York charter relative to special revenue bonds." (No. 6, Int. No. 6.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

"An act in relation to an additional water supply for the city of Albany." (No. 157, Int. No. 157.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Albany.

On motion of Mr. Burnett, the House adjourned.

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## FRIDAY, FEBRUARY 10, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the chair.

Prayer by Rev. David F. Williams.

On motion of Mr. Phillips, the reading of the journal of yesterday was dispensed with and the same was approved.

The Senate sent for concurrence the following entitled bills:

"An act giving the consent of the State of New York to the purchase, by the United States, of land in the county of Orange for the purpose of increasing the water supply upon the United States military reservation at West Point" (No. 211, Rec. No. 19), which was read the first time and referred to the committee on ways and means.

"An act empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements" (No. 172, Rec. No. 20), which was read the first time and referred to the committee on internal affairs.

"An act authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains Hos-

pital Association of White Plains" (No. 141, Rec. No. 21), which was read the first time and referred to the committee on internal affairs.

"An act in relation to the abolishment and removal of the Kings county penitentiary" (No. 276, Rec. No. 22), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter 336 of the Laws of 1903, entitled 'An act to provide for the erection of a courthouse in the county of New York and authorizing the acquisition of a site therefor,' (No. 275, Rec. No. 23), which was read the first time and referred to the committee on affairs of cities.

"An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds" (No. 268, Rec. No. 24), which was read the first time and referred to the committee on internal affairs.

"An act to amend an act entitled, 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor" (No. 86, Rec. No. 25), which was read the first time and referred to the committee on internal affairs.

"An act to legalize the official acts of George Hitchcock, as justice of the peace of the city of Corning, Steuben county" (No. 182, Rec. No. 26), which was read the first time and referred to the committee on the judiciary.

Mr. Agnew introduced a concurrent resolution entitled "Concurrent resolution proposing amendment to section 1 of article 2 of the Constitution relating to qualification of voters" (Int. No. 500), which was read the first time and referred to the committee on the judiciary.

Mr. F. E. Allen introduced a bill entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof—relative to building and maintaining of sidewalks and curbing, and the cost thereof" (Int. No. 501), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton' and the several acts amendatory thereof, relative to sale of lands for unpaid taxes or assessments" (Int. No. 502), which was read the first time and referred to the committee on affairs of cities.

Mr. J. G. Allen introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the city of Auburn against the State, for a local improvement consisting of the laying (and paying for the construction of) a sidewalk in front of lands in said city upon which is located the State prison, and to render judgment therefor" (Int. No. 503), which was read the first time and referred to the committee on claims.

Mr. Bedell introduced a bill entitled "An act to amend the Code of Civil Procedure, in relation to claims rejected by personal representatives of decedents" (Int. No. 504), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend the Tax Law, in relation to the expense of publishing notices to redeem from county tax sales" (Int. No. 505), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Fish introduced a bill entitled "An act to amend one section of chapter 225 of the Laws of 1901, entitled 'An act to incorporate the city of Oneida,' as amended by chapter 273 of the Laws of 1904, in relation to special elections" (Int. No. 506), which was read the first time and referred to the committee on affairs of cities.

Mr. Freidel introduced a bill entitled "An act to amend the act to provide for rapid transit railways in cities of over 1,000,000 inhabitants; relative to the construction of elevated railways in



city streets" (Int. No. 507), which was read the first time and referred to the committee on affairs of cities.

Also a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Margaret J. Wallace against the State of New York, for damages alleged to have been sustained by her in the city of New York, borough of Manhattan, through the negligence of the fire department of the city of New York" (Int. No. 508), which was read the first time and referred to the committee on claims.

Mr. Grady introduced a bill entitled "An act to amend the Greater New York charter, relative to the park board" (Int. No. 509), which was read the first time and referred to the committee on affairs of cities.

Mr. Hapeman introduced a bill entitled "An act to provide for clearing out the obstructions from the outlet of Parker's pond in the town of Cato, county of Cayuga, and for paying the cost thereof" (Int. No. 510), which was read the first time and referred to the committee on internal affairs.

Mr. Knapp introduced a bill entitled "An act to amend the Tax Law in regard to taxation of State lands in towns of Dannemora and Altona, in Clinton county" (Int. No. 511), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. McManus introduced a bill entitled "An act authorizing the board of estimate and apportionment of the city of New York to appropriate money for the purchase of coal, and providing for the distribution thereof" (Int. No. 512), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act prohibiting the laying down of steam surface railroad tracks in the streets in the borough of Manhattan, city of New York and requiring the removal of such tracks from such streets" (Int. No. 513), which was read the first time and referred to the committee on affairs of cities.

Mr. Mead introduced a bill entitled "An act to consolidate the consolidated corporation now existing under the name of 'The Mohawk and Hudson River Humane Society' with the corporations known as 'The Saratoga Society for the Prevention of Cruelty to Children,' and 'The Columbia County Society for the Prevention of Cruelty to Children,' and to define the powers

and duties of the corporation as so consolidated " (Int. No. 514), which was read the first time and referred to the committee on charitable and religious societies.

Mr. Merritt introduced a bill entitled "An act to amend the Penal Code, relative to disorderly houses " (Int. No. 515), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend the Code of Civil Procedure, in relation to the petition for voluntary dissolution of a corporation " (Int. No. 516), which was read the first time and referred to the committee on codes.

Mr. Ogden introduced a bill entitled "An act to amend chapter 182 of the Laws of 1898 entitled 'An act for the government of cities of the second class,' in relation to fees received by an officer of a city government " (Int. No. 517), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 347 of the Laws of 1890 entitled 'An act to provide for the payment of the cost and expense of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessment,' relating to the collection of assessments and installments thereof " (Int. No. 518), which was read the first time and referred to the committee on affairs of cities.

Mr. Platt introduced a bill entitled "An act to amend chapter 785 of the Laws of 1895, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts,' relating to the highway fund " (Int. No. 519), which was read the first time and referred to the committee on affairs of villages.

Mr. Prentice introduced a bill entitled "An act authorizing the comptroller of the city of New York to hear, audit, determine and allow the alleged claim of Richard E. Taylor for services as superintendent of the bureau of public baths of the borough of Manhattan, from January 1, 1902, to May 31, 1902 " (Int. No. 520), which was read the first time and referred to the committee on affairs of cities.

Mr. Rosenstein introduced a bill entitled "An act to amend the Penal Code, in relation to stamping or marking articles

manufactured of gold or of any alloy of gold" (Int. No. 521), which was read the first time and referred to the committee on codes.

Mr. Scovill introduced a bill entitled "An act to amend chapter 264 of the Laws of 1838, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia' relative to the boundaries of said village" (Int. No. 522), which was read the first time and referred to the committee on affairs of villages.

Mr. J. T. Smith introduced a bill entitled "An act to amend the Banking Law in relation to the impairment of capital and making assessment to make good such impairment" (Int. No. 523), which was read the first time and referred to the committee on banks.

Also, a bill entitled "An act to amend the Election Law, relative to the registration of electors" (Int. No. 524), which was read the first time and referred to the committee on the judiciary.

Mr. Tompkins introduced a bill entitled "An act to amend the Stock Corporation Law, relative to promoters and prospectuses" (Int. No. 525), which was read the first time and referred to the committee on the judiciary.

Mr. Wainwright introduced a bill entitled "An act to amend section 15 of the Town Law, relating to highway commissioners" (Int. No. 526), which was read the first time and referred to the committee on internal affairs.

Mr. Wiegand introduced a bill entitled "An act to provide for a reduced rate of fare for school children on all railroads in cities having a population of more than 1500 thousand" (Int. No. 527), which was read the first time and referred to the committee on railroads.

Mr. Wilsnack introduced a bill entitled "An act creating a commission to investigate the condition of certain marshes in the vicinity of Staten Island, as affecting the public health, or the property values and other interests of Staten Island" (Int. No. 528), which was read the first time and referred to the committee on internal affairs.

Also a bill entitled "An act in relation to the fare on steam surface railroads in the counties of Kings and Queens" (Int. No. 529), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act authorizing the police commissioner of the city of New York to appoint Frank Winkler, an ex-policeman of the city of New York who resigned from said police department, November 4, 1898 " (Int. No. 530), which was read the first time and referred to the committee on affairs of cities."

Mr. Bedell introduced a bill entitled "An act to amend section 103 of the Railroad Law with respect to the abandonment of part of route, temporary removal of rails, temporary discontinuance of operation and relocation of railroads and routes " (Int. No. 532), which was read the first time and referred to the committee on railroads.

Mr. Hammond introduced a bill entitled "An act to amend the Code of Civil Procedure relating to the disposition of the real estate of decedents for the payment of debts and funeral expenses " (Int. No. 533), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to pike in the counties of Oneida, Madison, Oswego and Onondaga " (Int. No. 534), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to legalize the acts of Myrtle A. Hawkins, a commissioner of deeds " (Int. No. 535), which was read the first time and referred to the committee on the judiciary.

Mr. Newton introduced a bill entitled "An act to amend chapter 160 of the Laws of 1900, entitled 'An act to incorporate the city of Cortland,' relative to revising certain sections of the charter " (Int. No. 536), which was read the first time and referred to the committee on affairs of cities.

Mr. Nugent introduced a bill entitled "An act to amend chapter 538 of the Laws of 1904, entitled 'An act in relation to the registration and identification of motor vehicles and the use of the public highways by such vehicles,' so as to provide for speed regulators on motor vehicles " (Int. No. 537), which was read the first time and referred to the committee on general laws.

Mr. O'Neill introduced a bill entitled "An act to amend the Insurance Law, in relation to distribution of surplus of life insurance corporations " (Int. No. 538), which was read the first time and referred to the committee on insurance.

Mr. Palmer introduced a bill entitled "An act to amend the Greater New York charter, in relation to costs, counsel fees and expenses allowed judicial officers" (Int. No. 539), which was read the first time and referred to the committee on affairs of cities.

Mr. Prentice introduced a bill entitled "An act to provide for the appointment of a commission to formulate a plan for the apportionment of the sources of water supply of the state of New York among the cities and towns thereof" (Int. No. 540), which was read the first time and referred to the committee on ways and means.

Mr. Stanley introduced a bill entitled "An act to regulate the use of streets, avenues and public places in the city of New York, in the Borough of Manhattan, by steam railroads operated at grade" (Int. No. 541), which was read the first time and referred to the committee on affairs of cities.

Mr. Wadsworth introduced a bill entitled "An act to amend chapter 200 of the Laws of 1903, entitled 'An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office,' in relation to the appointment of clerks" (Int. No. 542), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend chapter 260 of the Laws of 1903, entitled 'An act to make the office of sheriff of Livingston county a salaried one in part, and to regulate the management thereof,' in relation to compensation of under-sheriff, jailer and attendants and deputy sheriffs" (Int. No. 543), which was read the first time and referred to the committee on internal affairs.

Mr. Slocum introduced a bill entitled "An act providing for the construction of a new steel bridge over Black river and Moose river at their junction in the towns of West Turin and Lyonsdale, Lewis county, and the necessary repairs to the existing abutments and approaches thereto and making an appropriation therefor" (Int. No. 544), which was read the first time and referred to the committee on ways and means.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Burnett, Int. No. 304, entitled "An act to provide for an enumeration of the inhabitants of this state, and making an appropriation therefor" (No. 304),



reported in favor of the passage of the same with the following amendments:

Page 1, line 4, strike out the words "on or before the first day of May" and insert the words "during the months of May and June."

Page 2, line 1, strike out the period after the word "enumerator" and insert a semicolon and the words "but whenever in any city there is a county having more than one senate district, or which in the opinion of the Secretary of State, may under a new apportionment be entitled to more than one senate district, the enumeration of such county in said city shall be taken by blocks enclosed by streets or public ways, and enumerators may be appointed for such blocks, or for a part of such block or blocks, or for more than one block."

Same page, line 3, after the word "election" insert the words "or other."

Same page, line 8, after the word "election" insert the words "or other."

Same page, line 10, after the word "election" insert the words "or other."

Same page, line 14, after the word "election" insert the words "or other."

Same page, line 20, strike out the words "fifteenth day of May" and insert the words "first day of June."

Same page, line 22, after the word "election" insert the words "or other."

Page 3, line 10, after the word "the" insert the words "block or."

Same page, line 11, after the word "district" insert in parenthesis the words "as the case may be."

Same page, line 13, after the word "said" strike out the word "election."

Same page, line 14, after the word "district" insert the words "or block," and insert in parenthesis the words "as the case may be."

Same page, line 22, after the word "district" insert the words "or block (as the case may be)."

Same page, line 22, after the semicolon insert the words "that he will in all cases, to the best of his ability, correctly state in such list which of the inhabitants, if any, set forth therein, are aliens."

Page 5, line 6, after the word "on" strike out the words "the fifteenth day of May," and insert the words "such day in the months of May or June," and after the word "five" insert the words "as the secretary of state shall direct."

Same page, line 8, after the word "election" insert the words "or other."

Same page, line 13, after the word "election" insert the words "or other."

Same page, line 19, strike out the words "date of May first, nineteen hundred and five," and insert the words "such date in May or June nineteen hundred and five as so directed by the secretary of state."

Page 6, lines 1 and 2, strike out the words "the first day of May nineteen hundred and five" and insert the words "such date so prescribed by the secretary of state."

Same page, lines 6 and 7, strike out the words "June fifteenth" and insert the words "July first."

Same page, line 18, after the word "possible" insert the words "In any city in a county having more than one senate district, or which in the opinion of the secretary of state, may under a new apportionment be entitled to more than one senate district, the enumeration shall be taken by blocks enclosed by streets or public ways as well as by street and number."

Same page, line 20, after the word "election" insert the words "or other."

Same page, line 25, after the word "election" insert the words "or other."

Page 7, line 2, after the word "election" insert the words "or other."

Same page, line 6, after the word "election" insert the words "or other."

Same page, line 17, after the word "election" insert the words "or other."

Same page, line 24, strike out "fifteenth day of June" and insert the words "thirtieth day of June."

Page 8, line 6, after the word "inhabitants" insert the words "of any district."

Same page, lines 7 and 8, strike out the words "fifteenth day of May" and insert the words "date fixed by him for commencing the enumeration."

Page 9, line 2, after the word "election" insert the words "or other."

Same page, line 3, after the word "state" insert the words "also the number of inhabitants exclusive of aliens."

Same page, line 7, after the word "labor" insert the words "In any city in a county containing more than one senate district, or which, in the opinion of the secretary of state, may be entitled to more than one senate district under a reapportionment, such report to the legislature shall show the result of

such enumeration in such city by blocks enclosed by streets or public ways."

Same page, line 16, after the word "thereto" strike out the balance of the section.

Page 10, line 14, after the word "election" insert the words "or other."

Same page, line 24, after the word "taken" strike out the balance of the section.

JAMES T. ROGERS,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Bedell, Int. No. 339, entitled "An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds" (No. 378), reported in favor of the passage of the same with the following amendment:

Page 3, line 22, after the word "immediately" strike out the period and insert a comma and the words "but shall not affect any action or proceeding pending in any court at the time it takes effect."

S. PERCY HOOKER,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to amend the Highway Law, in relation to working the highways." (No. 322, Int. No. 306.)

"An act to amend the Forest, Fish and Game Law, in relation to the protection of land turtles and wild black bear." (No. 321, Int. No. 305.)

"An act authorizing the town board of the town of Canton, county of St. Lawrence, to divide such town into election districts." (No. 233, Int. No. 233.)

"An act to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating in Sullivan county, to acquire by purchase or condemnation, the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plank road or turnpike within said towns, and to provide means for the payment of the same." (No. 297, Int. No. 297.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 372) entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinance" (Int. No. 372), reported the same with the following recommendations:

Page 1, line 1, after the figure "1" insert the words "Section twenty-nine of," and begin the word chapter with a small "c."

Same page, line 4, strike out the words "so as."

Same page, line 5, strike out the figures "20" and insert "29."

Page 2, line 1, insert a comma after the word "board."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to, and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 366) entitled "An act to amend the Greater New York charter in relation to actions to recover penalties for the violation of any law or ordinance" (Int. No. 373), reported the same with the following recommendations:

Insert a "comma" after the word "charter," in first line of title.

Page 1, line 1, after the word "eighty-four" insert the words "of the Greater New York charter as re-enacted by," and strike out the word "of."

Same page, line 3, strike out the words "so as."

Same page, line 6, capitalize the word "the."

Same page, line 7, capitalize the word "the."

Page 2, line 11, capitalize the third word "the."

Same page, line 12, underscore the comma after the word "department."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to, and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 394), entitled "An act to amend an act entitled 'An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for the same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same' in relation to boundaries" (Int. No. 394), reported the same with the following recommendations:

In first line of title after the word "amend" insert the words "chapter three hundred and twenty-eight of the laws of eighteen hundred and eighty-six," and strike out the words "An act."

Page 2, line 11, insert a comma after the word "same."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to, and said bill ordered reprinted and engrossed for a third reading.

The bill (No. 236) entitled "An act to amend the Code of Civil Procedure, relative to the cases in which an action in divorce may be maintained" (Int. No. 236), having been announced for a second reading,

On motion of Mr. Phillips, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 377) entitled "An act to amend the Railroad Law, in relation to approval of lease by stockholders" (Int. No. 338), having been announced for a second reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.



The bill (No. 117) entitled "An act to provide for the endowment of chapels and crematories" (Int. No. 117), was read the second time.

On motion of Mr. Stevens, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 209) entitled "An act to amend chapter 188 of the Laws of 1862, entitled 'An act to incorporate the New York State Convention of Universalists,' relative to the power to sell and convey real estate" (Int. No. 209), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 227) entitled "An act to amend the Liquor Tax Law, relative to publication of decisions of the courts" (Int. No. 227), having been announced for a second reading,

On motion of Mr. Ellis, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 308) entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof in relation to the office of treasurer, taxation and assessments" (Int. No. 287), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 220) entitled "An act to amend the Village Law, relative to crosswalks and sidewalks" (Int. No. 220), having been announced for a second reading,

On motion of Mr. Phillips, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 382) entitled "An act to legalize the bonds of the village of Fonda, Montgomery county, New York, amounting to the sum of \$23,000, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds" (Int. No. 343), was read the second time.

On motion of Mr. W. B. Charles, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 311) entitled "An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village" (Int. No. 311), was read the second time.

On motion of Mr. A. P. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 324) entitled "An act to amend chapter 598 of the Laws of 1892, entitled, 'An act to provide for reporting the decisions of the inferior courts of record in the State of New York,' in relation to the allowance for assistance, clerk hire and office expenses in the miscellaneous reporter's department" (Int. No. 308), having been announced for a second reading.

On motion of Mr. Hooker, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 109) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplemental thereto, in relation to fixing the term of office of the mayor of the city of Buffalo" (Int. No. 109), having been announced for a second reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 383) entitled "An act to reappropriate money for the acquisition of additional land for the Creedmore rifle range, as provided by chapter 633 of the Laws of 1903, and making the same applicable for improvements to said rifle range" (Int. No. 344), was read the second time.

On motion of Mr. Cotton, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 126) entitled "An act to provide for the payment of office expenses and salaries of employees in the office of the state superintendent of elections for the metropolitan elections district" (Int. No. 126), having been announced for second reading,

On motion of Mr. Ellis, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 407) entitled "An act to amend the poor law, relating to the relief of soldiers, sailors and their families" (Int. No. 407), having been announced for a second reading,

On motion of Mr. Phillips, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 91) entitled "An act to provide for the payment of fines, penalties or forfeitures imposed or collected for taking part in the game of policy" (Int. No. 91), having been announced for a second reading,

On motion of Mr. Hornidge and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 334) entitled "An act to amend chapter 206 of the Laws of 1902, entitled 'An act in relation to the removal of the remains of deceased soldiers from Potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removal and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries,' providing for the payment of certain expenses by the county" (Int. No. 334), was read the second time.

On motion of Mr. G. H. Whitney, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 173) entitled "An act to legalize and to provide for the payment of bonds of the village of Tuckahoe in the county of Westchester, directed to be issued for the improvement of Washington and a portion of Breckinredge streets in said village" (Rec. No. 13), was read the second time.

On motion of Mr. Apgar, said bill was placed on the order of third reading.

The Senate bill (No. 161) entitled "An act to amend chapter 666 of the Laws of 1893, entitled, 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the

acts amendatory thereof in relation to the office of treasurer, taxation and assessments" (Rec. No. 9), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading.

The bill (No. 425) entitled "An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate, and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to elections, the submission of tax propositions, and the qualifications of voters" (Int. No. 194), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 114

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooker	Patton	Smith J T
Allen F E	Cowan	Hornidge	Perham	Smith R H
Allen J G	Cox	Hubbs	Perry	Standart
Anderson	Cunningham	Hurd	Phillips	Stanley
Apgar	Dodd	Knapp	Plank	Stevens
Bass	Donovan	La Rue	Pratt	Tenjost
Bedell	Dowling	Leggett	Prentice	Thompson G F
Beebe	Ellis	Lewis	Prince	Thompson J A
Beihilf	Evans	Machacek	Reeve	Thonet
Bisland	Everett	Malloy	Reilly	Tompkins
Brady	Fish	Mathews T F	Rogers	Wade
Brooks	Fitzsimons	Matthews C R	Rosenstein	Wagner
Burnett	Foster	McKeown	Salomon	Wainwright
Burns	Freidel	McManus	Sammon	Wedemeyer
Burzynski	Fuller	Mead	Santee	West
Cadin	Gardner	Miller	Schoeneck	Whitney F G
Cahn	Grady	Monroe	Scovill	Whitney G H
Callahan	Gray	Moreland	Sheehy	Wiegand
Caughlan	Gurnett	Murphy	Sheldon	Wilson
Charles E E	Hammond	Newton	Shuttleworth	Wood F C
Cooke	Hanford	Ogden	Slocum	Wood F X
Coon	Hapeman	O'Neill	Smith A P	Young
Cotton	Hastings	Parker	Smith A E	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 447) entitled "An act to amend the Town Law in relation to fees of supervisors" (Int. No. 242), having been announced for a third reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act relating to the equipment of the organized militia, and to authorize the sale of certain equipment to the United States, and providing for the disposition of the proceeds of such sale." (No. 285, Int. No. 285.)

"An act to authorize the erection of an addition to present school building by the Palmyra Classical Union School in school district No. 1, in the town of Palmyra, and to provide for the payment therefor." (No. 183, Int. No. 182.)

Ordered, That the Clerk deliver said bills to the Governor.

On motion of Mr. Phillips, the House adjourned.

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### MONDAY, FEBRUARY 13, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Oscar Krauch.

On motion of Mr. Rogers, the reading of the journal of Friday, February 10th, was dispensed with, and the same was approved.

Mr. Hooper introduced a bill entitled "An act to authorize the Comptroller of the State to hear and determine the application of William H. Faxon for cancellation of the tax sales made by the Comptroller in 1881 and 1885, on lot No. 104 of township 26, Totten and Crossfield's Purchase, Essex county" (Int. No. 545), which was read the first time and referred to the committee on claims.

Mr. O'Neill introduced a bill entitled "An act to amend the Code of Civil Procedure relative to the qualification of a referee" (Int. No. 546), which was read the first time and referred to the committee on codes.



Mr. Plank introduced a bill entitled "An act to amend the Banking Law relative to security for loans made by co-operative savings and loan associations" (Int. No. 547), which was read the first time and referred to the committee on banks.

Mr. Wilsnack introduced a bill entitled "An act to amend chapter 441 of the Laws of 1899, entitled 'An act to create a commissioner of jurors in the several counties of this State,' relative to the compensation of county judges in the counties of Richmond and Queens" (Int. No. 548), which was read the first time and referred to the committee on the judiciary.

Mr. Phillips introduced a bill entitled "An act to amend section 600 of the Penal Code" (Int. No. 549), which was read the first time and referred to the committee on codes.

Mr. Mead introduced a bill entitled "An act regulating the practice of osteopathy in the State of New York" (Int. No. 550), which was read the first time and referred to the committee on public health.

Mr. A. P. Smith introduced a bill entitled "An act to amend the State Charities Law in relation to the State Custodial Asylum for Feeble-minded Women at Newark" (Int. No. 551), which was read the first time and referred to the committee on the judiciary.

Mr. Thonet introduced a bill entitled "An act to amend the Labor Law in relation to bakeries and confectionery establishments, and the delivery and sale of the products thereof" (Int. No. 552), which was read the first time and referred to the committee on labor and industries.

Mr. Wilsnack introduced a bill entitled "An act to amend chapter 133 of the Laws of 1847, entitled 'An act authorizing the incorporation of rural cemetery associations,' in relation to the laying out of streets through cemetery lands" (Int. No. 553), which was read the first time and referred to the committee on general laws.

Mr. Gates introduced a bill entitled "An act to cheapen coal and other products by reopening and the improving (free to trade and commerce) of the abandoned Chenango canal and extension thereof to the Pennsylvania line, and making an appropriation therefor out of the collateral inheritance tax moneys" (Int. No.

554), which was read the first time and referred to the committee on ways and means.

Mr. Wade introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to taking snipe in Chautauqua county" (Int. No. 555), which was read the first time and referred to the committee on fisheries and game.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to reappropriate money for the acquisition of additional land for the Creedmore rifle range, as provided by chapter 633 of the Laws of 1903, and making the same applicable for improvements to said rifle range." (No. 383, Int. No. 344.)

"An act to legalize the bonds of the village of Fonda, Montgomery county, N. Y., amounting to the sum of \$23,000, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds." (No. 382, Int. No. 343.)

"An act to provide for the endowment of chapels and crematories." (No. 117, Int. No. 117.)

"An act to amend chapter 206 of the Laws of 1902, entitled 'An act in relation to the removal of the remains of deceased soldiers from Potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries,' providing for the payment of certain expenses by the county." (No. 334, Int. No. 334.)

"An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village." (No. 311, Int. No. 311.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 308) entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and

to repeal certain acts and parts of acts,' and the acts amendatory thereof in relation to the office of treasurer, taxation and assessments" (Int. No. 287), reported the same with the following recommendations:

On fifth line of title, strike out the words "in relation to the office of treas." and insert a period after the word "thereof."

On sixth line of title, strike out "urer, taxation and assessments."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 209) entitled "An act to amend chapter 188 of the Laws of 1862, entitled 'An act to incorporate the New York State Convention of Universalists,' relative to the power to sell and convey real estate" (Int. No. 209), reported the same with the following recommendations:

In last line of title, strike out the words "power to sell and convey" and insert in place thereof the words "transfers of".

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Forest, Fish and Game Law in relation to the protection of land turtles and wild black bear." (No. 321, Int. No. 305.)

"An act to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating, in Sullivan county, to acquire by purchase or condemnation the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plankroad or turnpike within said towns, and to provide means for the payment of the same." (No. 297, Int. No. 297.)

"An act to amend the Highway Law in relation to working the highways." (No. 322, Int. No. 306.)

"An act authorizing the town board of the town of Canton, county of St. Lawrence, to divide such town into election districts." (No. 233, Int. No. 233.)

"An act to amend section 1 of chapter 215 of the Laws of 1883, as amended by section 1 of chapter 554 of the Laws of 1888, entitled 'An act fixing the salaries of the stenographers of the Supreme Court in the eighth judicial district,' relative to duties and fees of such stenographers." (No. 475, Int. No. 29.)

"An act to amend chapter 975 of the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town." (No. 145, Int. No. 2.)

"An act to amend the law creating the town of Green Island by providing for the distribution of the surplus funds of the town of Green Island." (No. 340, Int. No. 327.)

The bill (No. 40) entitled "An act to repeal chapter 439 of the Laws of 1876, entitled 'An act relating to the expenses of judicial sales in the county of Kings,' as amended by chapter 167 of the Laws of 1889" (Int. No. 40), having been announced for second reading,

Mr. Dowling moved to amend as follows:

Section 2, line 6, strike out the word "immediately" and insert in place thereof the words "January first, nineteen hundred and six".

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill as amended was then read the second time.

On motion of Mr. Dowling, said bill was ordered reprinted and placed on the order of third reading and referred to the committee on revision.

The bill (No. 236) entitled "An act to amend the Code of Civil Procedure relative to the cases in which an action in divorce may be maintained" (Int. No. 236), having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was ordered placed on the second reading calendar for Tuesday next.



The bill (No. 377) entitled "An act to amend the Railroad Law in relation to approval of lease by stockholders" (Int. No. 338) was read the second time.

On motion of Mr. Bedell, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 227) entitled "An act to amend the Liquor Tax Law relative to publication of decisions of the courts" (Int. No. 227), was read the second time.

On motion of Mr. Friedel, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 220) entitled "An act to amend the Village Law, relative to crosswalks and sidewalks" (Int. No. 220), was read the second time.

On motion of Mr. Evans, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 324) entitled "An act to amend chapter 598 of the Laws of 1892, entitled 'An act to provide for reporting the decisions of the inferior courts of record in the State of New York,' in relation to the allowance for assistance, clerk hire and office expenses in the miscellaneous reporter's department" (Int. No. 308), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 109) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplemental thereto, in relation to fixing the term of office of the mayor of the city of Buffalo" (Int. No. 109), was read the second time.

On motion of Mr. Brooks, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 126) entitled "An act to provide for the payment of office expenses and salaries of employees in the office of the State Superintendent of Elections for the metropolitan elections district" (Int. No. 126), was read the second time.

On motion of Mr. Rogers, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 407) entitled "An act to amend the Poor Law, relating to the relief of soldiers, sailors and their families" (Int. No. 407), was read the second time.



On motion of Mr. Lewis, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 91) entitled "An act to provide for the payment of fines, penalties or forfeitures imposed or collected for taking part in the game of policy" (Int. No. 91), was read the second time.

On motion of Mr. Prentice, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 329) entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of the clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of copyists or recording clerks of current records" (Int. No. 67), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115

NOES 00

Those who voted in the affirmative were:

Agnew	Cooke	Hapeman	O'Neill	Smith J E
Allen F E	Coon	Hartman	Parker	Smith R H
Allen J G	Cotton	Hastings	Patton	Standart
Anderson	Coutant	Hooker	Pendry	Stanley
Apgar	Cowan	Hornidge	Perry	Stevens
Bass	Cox	Hurd	Phillips	Sullivan
Becker	Cunningham	Kavanaugh	Plank	Tenjost
Bedell	Dodd	Knapp	Platt	Thompson J A
Beebe	Donovan	La Rue	Prentice	Thonet
Beihlf	Ellis	Leggett	Prince	Tompkins
Bird	Evans	Machacek	Reeve	Waddell
Brady	Everett	Maier	Reilly	Wade
Brooks	Fish	Mathews T F	Rogers	Wagner
Burnett	Foelker	Matthews C R	Rosenstein	Wainwright
Burns	Foster	McManus	Sammon	Wedemeyer
Burzynski	Freidel	Mead	Santee	Wemple
Byrne	Gardner	Merritt	Schoeneck	Whitney F G
Cadin	Gates	Monroe	Shanahan	Wiegand
Cahn	Grady	Moreland	Sheehy	Wilsnack
Callahan	Gray	Murphy	Sherry	Wolf
Carrier	Gunnnett	Newton	Shuttleworth	Wood F C
Caughlan	Hackett	Nugent	Smith A P	Yale
Charles E E	Hanford	Ogden	Smith A E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 447) entitled "An act to amend the Town Law, in relation to fees of supervisors" (Int. No. 242), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hartman	Palmer	Smith A P
Allen F E	Coutant	Hastings	Parker	Smith J E
Allen J G	Cowan	Hooper	Patton	Smith R H
Anderson	Cox	Hubbs	Pendry	Stanley
Bass	Dale	Kavanaugh	Perry	Steele
Becker	Dodd	La Fetra	Phillips	Sullivan
Bedell	Dowling	Leggett	Platt	Tenjust
Beebe	Etsel	Machacek	Pratt	Thompson G F
Bird	Evans	Malloy	Prince	Thonet
Bisland	Fish	Mathews T F	Quinn	Tompkins
Brady	Fitzsimons	Matthews C R	Reeve	Wade
Brooks	Foelker	McKeown	Rigby	Wagner
Burnett	Francisco	McManus	Rogers	Wainwright
Burzynski	Fuller	Mead	Salomon	Wedemeyer
Byrne	Gardner	Miller	Sammon	Wemple
Cadin	Grady	Monroe	Santee	Whitney G H
Callahan	Grattan	Moreland	Scovill	Wiegand
Carrier	Gray	Murphy	Shanahan	Wilson
Caughlan	Gurnett	Newton	Sheldon	Wolf
Charles W B	Hammond	Nugent	Sherry	Wood F X
Cooke	Hapeman	Ogden	Slocum	Yale

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 173) entitled "An act to legalize and to provide for the payment of bonds of the village of Tuckahoe in the county of Westchester, directed to be issued for the improvement of Washington and a portion of Breckinredge streets in said village" (Rec. No. 13), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 106

NOES 00

Those who voted in the affirmative were :

Agnew	Coon	Hastings	Palmer	Smith A P
Allen F E	Coutant	Hooper	Parker	Smith J E
Allen J G	Cowan	Hornidge	Pendry	Smith J T
Anderson	Cox	Hurd	Perham	Standart
Apgar	Dale	Kavanaugh	Perry	Stanley
Bass	Dodd	La Fetra	Phillips	Stevens
Becker	Donovan	Leggett	Platt	Sullivan
Bedell	Ellis	Lewis	Pratt	Thompson G F
Beebe	Etsel	Maier	Prince	Thonet
Bird	Everett	Mathews T F	Quinn	Tompkins
Bisland	Fish	Matthews C R	Reeve	Wade
Brady	Foelker	McKeown	Rigby	Wagner
Brooks	Francisco	McManus	Rogers	Wainwright
Burnett	Freidel	Mead	Rosenstein	Wedemeyer
Burzynski	Gardner	Merritt	Sammon	Wemple
Byrne	Gates	Miller	Santee	Whitney G H
Cadin	Grattan	Moreland	Scovill	Wiegand
Cahn	Gray	Murphy	Shanahan	Wilson
Callahan	Hackett	Newton	Sheldon	Wolf
Caughlan	Hanford	Nugent	Sherry	Wood F X
Charles E E	Hartman	O'Neill	Shuttleworth	Young
Cooke				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 161) entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof in relation to the office of treasurer, taxation and assessments" (Rec. No. 9), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hastings	Palmer	Smith J E
Allen F E	Coutant	Hooker	Patton	Smith J T
Allen J G	Cox	Hornidge	Pendry	Standart
Anderson	Dale	Hubbs	Perham	Stanley
Bass	Donovan	Hurd	Phillips	Stevens
Becker	Dowling	Knapp	Plank	Tenjost
Bedell	Ellis	La Petra	Pratt	Thompson G F
Beebe	Evans	Leggett	Prentice	Tompkins
Beihill	Everett	Lewis	Quinn	Wade
Bird	Fitzsimons	Maier	Reeve	Wagner
Bisland	Foelker	Malloy	Rigby	Wainwright
Brooks	Foster	Matthews C R	Rogers	West
Burns	Francisco	McKeown	Salomon	Wemple
Burzynski	Fuller	Mead	Santee	Whitney G H
Byrne	Gardner	Miller	Schoeneck	Wiegand
Cadin	Grady	Monroe	Shanahan	Wilson
Callahan	Gray	Moreland	Sheldon	Wolf
Carrier	Gurnett	Newton	Sherry	Wood F C
Caughlan	Hammond	Nugent	Slocum	Yale
Charles W B	Hanford	Ogden	Smith A P	Young
Cooke	Hartman	O'Neill		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Sheldon offered for the consideration of the House a resolution, in the words following:

Whereas, Complaints are being generally made throughout the State in the public press and by individuals, that the provisions of chapter 661 of the Laws of 1893, known as "The Public Health Law," and particularly article 3 of said act, which prohibits the adulteration of foods and medicines, are being continually violated, to the detriment of the public health; and

Whereas, The said complaints are of such a character, and in some instances specifying in the public press the particular violations, in which specifications it is publicly charged that death has resulted in many instances from partaking of food adulterated in violation of said statute; therefore, be it

Resolved, That the Commissioner of Health be and hereby is requested to furnish to this House a statement of what effort has been made on the part of the Department of Health for the enforcement of said statute, and whether, in his opinion, other or increased facilities or enactments are essential for the proper enforcement of the Pure Food Law within this State.

Said resolution giving rise to debate,

Ordered, That said resolution be laid upon the table.

Mr. Palmer offered for the consideration of the House a resolution, in the words following:

Whereas, It is now generally understood from expert statements based upon careful examination of the situation that there are in contemplation many schemes to abstract from the Niagara falls and river above the cataract of Niagara falls, water for the manufacture of power for commercial purposes, which threaten not alone to despoil this natural scenic wonder of its beauty and grandeur, but to imperil the very existence of the American falls; and

Whereas, There is a suggestion now being considered looking to the imposition of an annual State tax upon the use of this water for commercial power purposes, which, if consummated, will tend to encourage and legalize permanently this policy of despoiling these falls, by making such spoliation a valuable source of revenue to the State; now, therefore, in view of the paramount duty of the American people to preserve these falls in all their scenic majesty, be it

Resolved (if the Senate concur), That we memorialize the President and Congress of the United States, requesting that they, by treaty or otherwise, enter into negotiations with his Majesty's government of Great Britain, looking to some joint action for the preservation of Niagara falls from further waste and diversion of the waters thereof.

Said resolution giving rise to debate,

Ordered, That said resolution be laid upon the table.

Mr. Stanley moved to take from the table his resolution of January 30th, relative to third and fourth class mail matter.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Thonet offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 34, entitled "An act to legalize the acts of James C. Sheldon, a notary public" (Int. No. 34), for the purpose of amendment.



Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Steele offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 146, entitled "An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district" (Int. No. 23), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

On motion of Mr. McKeown, the privileges of the floor were granted to Mr. Daly.

On motion of Mr. Rogers, the House adjourned.

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## TUESDAY, FEBRUARY 14, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Messrs. Apgar and Merritt were excused from to-day's session, and Mr. Plank was excused until Thursday.

Mr. Speaker presented the annual report of the Fiscal Supervisor of State Charities, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the pardons, commutations and respites granted by Governor Odell, which was laid upon the table and ordered printed.

(See Document.)

The Senate sent for concurrence the following entitled bills:

"An act to amend the Religious Corporations Law, relative to filling vacancies in offices of church wardens and vestrymen." (No. 131, Rec. No. 27), which was read the first time and referred to the committee on charitable and religious societies.

"An act to legalize the establishment of union free school district No. 7, of the town of Ramapo, Rockland county, and the acts of the voters, and the boards of education thereof, and the issuance and sale of certain bonds of said district" (No. 267, Rec. No. 28), which was read the first time and referred to the committee on public education.

"An act to amend chapter 369 of the Laws of 1895, entitled 'An act creating a commissioner of jurors for each county of the State having a certain population,' and prescribing his duties, also providing in what manner jury lists shall be made up and notified in the courts of record in such counties, and how they may be exempted or excused and the length of service of such jurors, relative to exemptions of jurors from service during two succeeding years after service" (No. 313, Rec. No. 29), which was read the first time and referred to the committee on the judiciary.

"An act to amend chapter 131 of the Laws of 1885, entitled 'An act to incorporate the city of Amsterdam,' generally" (No. 232, Rec. No. 30), which was read the first time and referred to the committee on affairs of cities.

Mr. F. E. Allen introduced a bill entitled "An act to establish a police pension fund for the city of Binghamton" (Int. No. 556), which was read the first time and referred to the committee on affairs of cities.

Mr. Brooks introduced a bill entitled "An act to amend the Labor Law, relative to hours of labor" (Int. 557), which was read the first time and referred to the committee on labor and industries.

Mr. Cahn introduced a bill entitled "An act to amend section 793 of the Code of Civil Procedure, relating to preference in the

trial of causes " (Int. No. 558), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to provide for the safety of passengers on underground railroads by requiring persons operating railroads to give an engineer or motorman a rest after each round trip " (Int. No. 559), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to amend the Penal Code relative to employment " (Int. No. 560), which was read the first time and referred to the committee on codes.

Mr. Callahan introduced a bill entitled "An act to assess on the property benefited the cost and expense of constructing a bridge over the railroad tracks on Bronson avenue in the city of Rochester " (Int. No. 561), which was read the first time and referred to the committee on affairs of cities.

Mr. Malloy introduced a bill entitled "An act to amend the Penal Code by adding thereto a new section to be known as section 415-b, in regard to life saving crews on ferry boats and excursion boats " (Int. No. 562), which was read the first time and referred to the committee on codes.

Mr. McKeown introduced a bill entitled "An act to require an additional motorman on the motor car of each train operated in subways in the city of New York " (Int. No. 563), which was read the first time and referred to the committee on railroads.

Mr. Murphy introduced a bill entitled "An act to amend an act entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals, being chapter 580 of the Laws of 1902 ' to authorize the formation of an appellate term in the second judicial department, to appoint clerks and attendants, and to provide for the expenses thereof " (Int. No. 564), which was read the first time and referred to the committee on the judiciary.

Mr. Pendry introduced a bill entitled "An act to amend chapter 580 of the laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to jurors " (Int. No. 565), which was read the first time and referred to the committee on the judiciary.

Mr. Santee introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to the close seasons in

certain counties " (Int. No. 566), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend the State Charities Law, relating to salary of treasurer of Craig colony for epileptics " (Int. No. 567), which was read the first time and referred to the committee on the judiciary.

Mr. A. E. Smith introduced a bill entitled "An act empowering the comptroller of the city of New York to cancel and to refund assessments levied for the purpose of acquiring title to a new street, from Chambers street to Reade street, in the borough of Manhattan, city of New York " (Int. No. 568), which was read the first time and referred, to the committee on affairs of cities.

Also, a bill entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which Thomas F. Campbell, formerly a patrolman in the police department of said city, was dismissed from said department, and to reinstate him in his former position " (Int. No. 569), which was read the first time and referred to the committee on affairs of cities.

Mr. Wemple introduced a bill entitled "An act to amend chapter 225 of the Laws of 1896, entitled 'An act in relation to the poor, constituting chapter 27 of the general laws,' " (Int. No. 570), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to make the office of sheriff of Schenectady county a salaried office, and regulating the management of said office " (Int. No. 571), which was read the first time and referred to the committee on internal affairs.

Mr. Gardner introduced a bill entitled "An act to provide for public improvements in the city of Troy upon and in relation to Prospect Park and the waterworks of said city " (Int. No. 572), which was read the first time and referred to the committee on affairs of cities.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplemental thereto, in rela-

tion to fixing the term of office of the mayor of the city of Buffalo." (No. 109, Int. No. 109.)

"An act to provide for the payment of fines, penalties or forfeitures imposed or collected for taking part in the game of policy." (No. 91, Int. No. 91.)

"An act to provide for the payment of office expenses and salaries of employees in the office of the State Superintendent of Elections for the metropolitan elections district." (No. 126, Int. No. 126.)

"An act to amend the Railroad Law in relation to approval of lease by stockholders." (No. 377, Int. No. 338.)

"An act to amend the Village Law relative to crosswalks and sidewalks." (No. 220, Int. No. 220.)

"An act to amend chapter 598 of the Laws of 1892, entitled 'An act to provide for reporting the decisions of the inferior courts of record in the State of New York,' in relation to the allowance for assistance, clerk hire and office expenses in the miscellaneous reporter's department." (No. 324, Int. No. 308.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 407) entitled "An act to amend the Poor Law, relating to the relief of soldiers, sailors and their families" (Int. No. 407), reported the same with the following recommendations:

Page 1, line 2, after the word "ninety-six" insert the words "entitled 'An act in relation to the poor, constituting chapter twenty-seven of the general laws'".

Page 6, line 1, capitalize the words "grand", "army" and "republic".

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 227) entitled "An act to amend the Liquor Tax Law relative to publication of decisions of the courts" (Int. No. 227), reported the same with the following recommendations:

Page 1, line 5, strike out the words "as amended by chapter four".



Same page, strike out all of lines 6, 7, 8 and 9.

Page 2, strike out all of lines 1, 2, 3, 4, 5, 6, 7 and 8.

Same page, line 9, strike out words "hundred and three" and word "further".

Same page, line 10, after words "ten-a" insert word "and".

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinance." (No. 547, Int. No. 372.)

"An act to amend the Greater New York charter in relation to actions to recover penalties for the violation of any law or ordinance." (No. 546, Int. No. 373.)

"An act to amend chapter 328 of the Laws of 1886, entitled 'An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for the same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same,' in relation to boundaries." (No. 548, Int. No. 394.)

"An act to amend the Poor Law in relation to the relief of Indians in case of epidemic." (No. 517, Int. No. 291.)

"An act to legalize, ratify and confirm the elections held by the voters of union free school district No. 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elec-

tions and proceedings and to legalize and validate said two series of bonds." (No. 545, Int. No. 106.)

"An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplemental thereto, in relation to fixing the term of office of the mayor of the city of Buffalo." (No. 109, Int. No. 109.)

The bill (No. 233) entitled "An act authorizing the town board of the town of Canton, county of St. Lawrence, to divide such town into election districts" (Int. No. 233), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hornidge	Patton	Smith R H
Allen F E	Cox	Hubbs	Perham	Stanley
Allen J G	Dale	Kavanaugh	Perry	Steele
Anderson	Donovan	Knapp	Phillips	Stevens
Apgar	Dowling	La Rue	Platt	Sullivan
Bass	Etzel	Leggett	Pratt	Thompson G F
Bedell	Everett	Machacek	Prince	Thonet
Beebe	Fish	Maier	Quinn	Waddell
Beihilf	Foelker	Malloy	Reilly	Wade
Bird	Foster	Mathews T F	Rogers	Wadsworth
Bisland	Francisco	Matthews C R	Salomon	Wainwright
Brooks	Fuller	McKeown	Sammon	West
Burnett	Gardner	McManus	Schoeneck	Wemple
Burzynski	Grady	Mead	Scovill	Whitney G H
Cadin	Grattan	Miller	Shanahan	Wilsnack
Cahn	Gray	Monroe	Sheldon	Wilson
Carrier	Hackett	Murphy	Shuttleworth	Wolf
Charles E E	Hanford	Newton	Slocum	Wood F C
Charles W B	Hapeman	Ogden	Smith A E	Yale
Cooke	Hastings	O'Neill	Smith J E	Young
Cotton	Hooker	Parker		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 322) entitled "An act to amend the Highway Law in relation to working the highways" (Int. No. 306), was read

the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hubbs	Perham	Smith J T
Allen F E	Donovan	Kavanaugh	Perry	Smith R H
Allen J G	Ellis	La Fetra	Phillips	Stanley
Apgar	Evans	La Rue	Platt	Steele
Bass	Fish	Leggett	Pratt	Sullivan
Becker	Foelker	Machacek	Prince	Thompson G F
Beebe	Francisco	Maier	Quinn	Thonet
Beihilf	Fuller	Malloy	Reeve	Tompkins
Bisland	Gardner	Mathews T F	Rigby	Wade
Brooks	Grady	Matthews C R	Rogers	Wagner
Burnett	Grattan	McKeown	Salomon	Wainwright
Burzynski	Gurnett	McManus	Sammon	Wedemeyer
Byrne	Hackett	Mead	Schoeneck	Wemple
Cahn	Hammond	Miller	Scovill	Whitney G H
Carrier	Hanford	Moreland	Shanahan	Wilsnack
Caughlan	Hapeman	Newton	Sheldon	Wilson
Charles W B	Hartman	Ogden	Shuttleworth	Wolf
Cooke	Hastings	Palmer	Slocum	Wood F C
Cotton	Hooker	Patton	Smith A P	Yale
Cowan	Hooper	Pendry	Smith J E	Young
Cox	Hornidge			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 297) entitled "An act to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating, in Sullivan county, to acquire by purchase or condemnation the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plankroad or turnpike within said towns, and to provide means for the payment of the same" (Int. No. 297), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hartman	Nugent	Smith A P
Allen F E	Cowan	Hastings	Ogden	Smith J E
Allen J G	Cox	Hooker	Palmer	Smith R H
Apgar	Cunningham	Hooper	Patton	Stanley
Bass	Donovan	Hubbs	Pendry	Steele
Becker	Ellis	Hurd	Perry	Sullivan
Beebe	Etzel	Knapp	Plank	Tenjost
Beihilf	Evans	La Rue	Platt	Thompson J A
Bird	Everett	Leggett	Prentice	Thonet
Bisland	Fitzsimons	Lewis	Prince	Tompkins
Brady	Foelker	Machacek	Quinn	Wade
Brooks	Francisco	Maier	Reilly	Wadsworth
Burns	Freidel	Malloy	Rigby	Wedemeyer
Burzynski	Fuller	Mathews T F	Rogers	West
Cadin	Gardner	Matthews C R	Salomon	Whitney F G
Cahn	Grady	McKeown	Sammon	Whitney G H
Callahan	Grattan	McManus	Santee	Wiegand
Carrier	Gray	Mead	Scovill	Wilson
Caughlan	Gurnett	Merritt	Shanahan	Wood F C
Charles E E	Hammond	Miller	Sheehy	Wood F X
Charles W B	Hanford	Moreland	Sherry	Yale
Cooke	Hapeman	Murphy	Slocum	Young
Coon				

The bill (No. 321) entitled "An act to amend the Forest, Fish and Game Law in relation to the protection of land turtles and wild black bear" (Int. No. 305), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Kavanaugh	Plank	Sullivan
Allen F E	Cunningham	Knapp	Pratt	Tenjost
Allen J G	Dale	La Petra	Prentice	Thompson G F
Apgar	Donovan	Leggett	Quinn	Thompson J A
Bass	Ellis	Lewis	Reeve	Thonet
Becker	Etzel	Machacek	Reilly	Waddell
Bedell	Everett	Maier	Rogers	Wade
Beebe	Fish	Mathews T F	Salomon	Wadsworth

Bird	Foelker	Matthews C R	Santee	Wainwright
Bisland	Foster	McKeown	Scovill	West
Brady	Freidel	McManus	Shanahan	Wemple
Brooks	Fuller	Mead	Sheehy	Whitney G H
Burns	Gates	Miller	Sherry	Wiegand
Burzynski	Grady	Moreland	Slocum	Wilsnack
Byrne	Gurnett	Newton	Smith A P	Wilson
Cahn	Hammond	Ogden	Smith J E	Wolf
Callahan	Hapeman	Palmer	Smith R H	Wood F C
Caughlan	Hastings	Parker	Stanley	Wood F X
Charles W B	Hooker	Pendry	Steele	Yale
Coon	Hornidge	Perham	Stevens	Young
Coutant	Hubbs	Phillips		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 241) entitled "An act to amend the Tax Law, in relation to the time of making assessment" (Int. No. 241), having been announced for a third reading,

Mr. Wade moved that said bill be recommitted to the committee on taxation and retrenchment, with instructions to report the same forthwith amended as follows:

Strike out the word "June" in line 13, page 2, and insert the word "May."

Mr. Wade, from the committee on taxation and retrenchment, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The bill (No. 403) entitled "An act to amend the Highway Law relative to extraordinary repairs of highways or bridges" (Int. No. 403), having been announced for a second reading,

On motion of Mr. Burnett, said bill was recommitted to the committee on internal affairs, retaining its place on the order of second reading.

The bill (No. 504) entitled "An act to amend the University Law, relating to the number of Regents necessary to constitute a quorum" (Int. No. 495), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 505) entitled "An act authorizing the treasurer of the city of Utica to appoint a bookkeeper, fixing his salary and the security to be given by him" (Int. No. 229), was read the second time.

On motion of Mr. Gates said bill was placed on the order of third reading and referred to the committee on revision.



The bill (No. 506) entitled "An act to release to Courtney C. Douglas, the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York" (Int. No. 80), was read the second time.

On motion of Mr. Agnew said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 507) entitled "An act to release to Joseph S. Guthorn the right, title and interest of the people of the State of New York to certain real estate situate in the borough of Manhattan, city, county and State of New York" (Int. No. 303), was read the second time.

On motion of Mr. Hornidge, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 508) entitled an act to release to Ralph A. Dawson and his heirs and assigns the interest of the State in certain lands in the town of Southampton, Suffolk county, N. Y." (Int. No. 176), was read the second time.

On motion of Mr. Reeve, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 509) entitled "An act relative to the city court of the city of New York" (Int. No. 235), was read the second time.

On motion of Mr. Perham, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 510) entitled "An act empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements" (Int. No. 298), was read the second time.

On motion of Mr. Apgar, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 511) entitled "An act to create and establish a department of forestry for the planting, transplanting and removal of trees and for caring of same in the city of Buffalo" (Int. No. 200), was read the second time.

On motion of Mr. Standart, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 51) entitled "An act to amend chapter 452 of the Laws of 1904, entitled 'An act to authorize the city of Utica to

extend its system of drainage and to borrow money to pay for the same ' ' (Int. No. 170), was read the second time.

On motion of Mr. Gates, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 236) entitled "An act to amend the Code of Civil Procedure, relative to the cases in which an action in divorce may be maintained" (Int. No. 236), was read the second time.

On motion of Mr. Phillips, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate returned the bill (No. 32, Senate reprint No. 176) entitled "An act to amend the County Law, relative to the compensation of supervisors in Niagara county" (Int. No. 32), with a message that they have concurred in the passage of the same with the following amendment:

Page 3, strike out lines 1 to 7 inclusive, and insert the words: "board is in session, shall be entitled to receive in addition to the compensation hereinbefore provided, his actual expenses incurred therein, if such investigation or duty require his attendance at a place away from his residence, and five miles or more distant from the place where the board shall hold its sessions. The board of supervisors of any county may also allow "

Mr. G. F. Thompson moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would concur in said amendment, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 111

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hurd	Pendry	Smith R H
Allen F E	Dodd	Kavanaugh	Perham	Standart
Allen J G	Dowling	Knapp	Phillips	Steele
Anderson	Ellis	La Petra	Plank	Stevens
Apgar	Evans	La Rue	Platt	Sullivan
Bass	Everett	Leggett	Prentice	Thompson G F
Bedell	Fitzsimons	Lewis	Prince	Thompson J A
Beebe	Foelker	Machacek	Quinn	Tompkins

Beihlf	Foster	Malloy	Reeve	Waddell
Bisland	Freidel	Mathews T F	Reilly	Wagner
Brooks	Fuller	Matthews C R	Rogers	Wadsworth
Burnett	Gates	McKeown	Salomon	Wedemeyer
Burzynski	Grady	McManus	Sammon	West
Cadin	Gray	Mead	Schoeneck	Wemple
Cahn	Gurnett	Miller	Scovill	Whitney F G
Carrier	Hackett	Monroe	Sheehy	Whitney G H
Caughlan	Hanford	Murphy	Sheldon	Wilsnack
Charles E E	Hartman	Nugent	Shuttleworth	Wilson
Cooke	Hastings	Ogden	Slocum	Wolf
Coon	Hooker	Palmer	Smith A E	Wood F C
Cotton	Hooper	Parker	Smith J E	Yale
Cowan	Hubbs	Patton	Smith J T	Young
Cunningham				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 34, entitled "An act to legalize the acts of James C. Sheldon, a notary public" (Int. No. 34), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 146, entitled "An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district" (Int. No. 23), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return to the Senate of Senate bill No. 89, entitled "An act in relation to the transfer of the corporate franchise of the Union Club of Watertown, N. Y." (Rec. No. 5), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK, EXECUTIVE CHAMBER,  
ALBANY, *February 14, 1905.*

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment, Assembly bill No. 146, entitled "An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district." (Int. No. 23.)

FRANK W. HIGGINS.

Also, the following:

STATE OF NEW YORK, EXECUTIVE CHAMBER,  
ALBANY, *February 14, 1905.*

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment, Assembly bill No. 34, entitled "An act to legalize the acts of James C. Sheldon, a notary public." (Int. No. 34.)

FRANK W. HIGGINS.

The Senate returned the following entitled bills with a message that they have concurred in the passage of the same without amendment.

"An act to provide for the enrollment of the electors in the third, fourth and fifth election districts of the second Assembly district of the borough of Queens." (No. 98, Int. No. 98.)

"An act to amend section 4 of chapter 8 of the general laws in relation to punishment for contempt." (No. 336, Int. No. 336.)

"An act to legalize the official acts of Benjamin E. Western, a justice of the peace of the town of Norway, county of Herkimer." (No. 191, Int. No. 191.)

"An act making appropriations to the State Commissioner of Excise for the payment of refunds on surrender of liquor tax certificates, and for judgments." (No. 160, Int. No. 160.)

“An act providing for the payment of the balance due newspapers for the publication of the general laws of the State for the year 1904.” (No. 61, Int. No. 61.)

“An act making an appropriation for the payment of the principal and interest of public defence bonds issued pursuant to chapter 672 of the Laws of 1898, and chapter 493 of the Laws of 1899.” (No. 62, Int. No. 62.)

“An act to provide for the payment of the balance due newspapers for the publication of concurrent resolutions of the Legislature of 1904, proposing amendments to the Constitution of this State, and for deficiency in appropriation for the publication of other official notices required to be published as provided by law, which are subject to contract.” (No. 60, Int. No. 60.)

Ordered, That the Clerk deliver said bills to the Governor.

“An act to change the name of “the East Avenue Presbyterian Church of the City of Schenectady” to “the State Street Presbyterian Church of the City of Schenectady.” (No. 70, Int. No. 70.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Schenectady.

On motion of Mr. Rogers, the House adjourned.

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### WEDNESDAY, FEBRUARY 15, 1905.

The House met pursuant to adjournment.

Prayer by Rev. F. Lubbers.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with, and the same was approved.

The Senate sent for concurrence the following entitled bill:

“An act to amend title 10 of chapter 371 of the Laws of 1903, entitled ‘An act to amend and consolidate the several acts relative to the city of Schenectady’ by adding a new section in relation to street cleaning” (No. 278, Rec. No. 31), which was read the first time and referred to the committee on affairs of cities.

Mr. Gates introduced a bill entitled “An act to amend the Labor Law relative to hours of labor” (Int. No. 573), which was



read the first time and referred to the committee on labor and industries.

Also, a bill entitled "An act entitled 'An act to amend the Banking Law, relative to securities in which desposits in savings banks may be invested'" (Int. No. 574), which was read the first time and referred to the committee on banks.

Mr. Hammond introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims, to hear, audit and determine the alleged claim of Louis Windholz against the State for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No. 575), which was read the first time and referred to the committee on claims.

Mr. Knapp introduced a bill entitled "An act providing for clearing out the channel between Upper and Lower Chateaugay lakes in the county of Clinton, and making an appropriation therefor" (Int. No. 576), which was read the first time and referred to the committee on ways and means.

Mr. Maier introduced a bill entitled "An act to amend the Village Law, in relation to the powers of the board of trustees as fence viewers" (Int. No. 577), which was read the first time and referred to the committee on affairs of villages.

Mr. C. R. Matthews introduced a bill entitled "An act to promote the preparation of the Indians of this State for citizenship and to create the office of Superintendent of Civic Training of the Indians" (Int. No. 578), which was read the first time and referred to the committee on internal affairs.

Mr. McManus introduced a bill entitled "An act to amend the Code of Civil Procedure, relative to the execution of warrants for the dispossession of tenants" (Int. No. 579), which was read the first time and referred to the committee on codes.

Mr. Moreland introduced a bill entitled "An act to amend section 188 of chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira' as amended by chapter 43 of the Laws of 1901, and chapter 367 of the Laws of 1904 in relation to the officers of the police force and their duties" (Int. No. 580), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Code of Civil Procedure, relating to executory contracts of sale of real property

and the transfer of the title to said real property by the personal representative of the deceased " (Int. No. 581), which was read the first time and referred to the committee on codes.

Mr. Nugent introduced a bill entitled "An act to enable the commissioner of water supply, gas and electricity of the city of New York to rehear and determine the charge against Adolph S. Wydler, formerly a clerk in the department of water supply, gas and electricity of said city, and to reinstate him in said department " (Int. No. 582), which was read the first time and referred to the committee on affairs of cities.

Mr. Platt introduced a bill entitled "An act to amend chapter 132 of the Laws of 1863, entitled 'An act to incorporate the Davenport Institution for Female Orphan Children,' relating to the name and increasing property income which said corporation may take and hold " (Int. No. 583), which was read the first time and referred to the committee on general laws.

Mr. Salomon introduced a bill entitled "An act authorizing the board of estimate and apportionment of the city of New York to audit and allow, and the comptroller of such city to pay, the claim of John F. Walsh, for services rendered to such city in the department of board of education, in the year 1900 " (Int. No. 584), which was read the first time and referred to the committee on affairs of cities.

Mr. Stanley introduced a bill entitled "An act to amend the Tax Law, in relation to taxation of the personal property of non-residents " (Int. No. 585), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Fish introduced a bill entitled "An act to amend the State Charities Law, authorizing the transfer of inmates of State charitable institutions, and authorizing transfers from certain institutions to the State reformatories for children " (Int. No. 586), which was read the first time and referred to the committee on the judiciary.

By unanimous consent,

Mr. Hammond introduced a bill entitled "An act to revise the charter of the city of Syracuse " (Int. No. 589), which was read the first time and referred to the committee on affairs of cities.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Pratt, Int. No. 92, entitled

"An act to amend the Stock Corporations Law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock " (No. 92), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Hammond, Int. No. 210, entitled "An act to amend the Real Property Law relative to the postponement or subordination of liens upon real property " (No. 210), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Prince, Int. No. 414, entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' in relation to the payment of money collected by marshals " (No. 435), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Gates, Rec. No. 8, entitled "An act to legalize the acts of Edward S. More, a notary public " (No. 37), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Elsberg, Rec. No. 15, entitled "An act to enable the Medical College Laboratory of the city of New York to convey and transfer its real and personal property " (No. 77), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Hill, Rec. No. 29, entitled "An act to amend chapter 369 of the Laws of 1895, entitled 'An act creating a commissioner of jurors for each county of the State having a certain population,' and prescribing his duties; also providing in what manner jury lists shall be made

up and notified in the courts of record in such counties, and how they may be exempted or excused and the length of service of such jurors, relative to exemptions of jurors from service during two succeeding years after service" (No. 313), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Prentice, Int. No. 454, entitled "An act to amend the Greater New York charter relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy" (No. 484), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 1, line 7, after the word "person" insert the words "other than a child under the age of sixteen years."

Page 2, line 7, after the word "Roman" strike out the hyphen.

Same page, line 9, after the word "Magdalen" capitalize the words "benevolent" and "society."

Page 5, line 19, strike out the word "the."

Page 8, line 5, beginning with the word "by" do not underscore.

Same page, line 18, do not underscore the word "Index."

Page 9, line 12, strike out the word "the" after the word "of" and insert in place thereof the word "a" underscored.

Same page, line 23, after the word "of" do not underscore the word "a."

Page 11, line 10, after the word "order" insert the word "is" underscored in place of the word "in."

Page 12, line 13, after the word "in" insert the word "the" underscored.

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted, and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Yale, Int. No. 171, entitled "An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York" (No. 171), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 4, line 3, after the word "city" insert the words "and also employees in the armories within the limits of the several counties of the City of New York" underscored.

Same page, line 4, after the word "duty" strike out the word "in" and insert the words "as an employee of" underscored.

Same page, line 5, after the first word "or" strike out the word "in" and insert the word "of" underscored.

Page 6, line 12, after the word "act" insert the words "in the case of employees in the armories located within the limits of the several counties within the City of New York, such determination or estimate shall be made by the armory board" underscored.

Same page, line 23, after the word "office" insert the words "or the transfer thereof from a city to a county office, or the transfer thereof from a county to a city office pursuant to acts of the legislature or otherwise" underscored.

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted, and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was recommitted the bill introduced by Mr. Stanley, Int. No. 94, entitled "An act to authorize the board of estimate and apportionment in the city of New York to audit, adjust and pay Rudolph Confield and Alice Smith for services rendered as probation officers" (No. 373), retaining its place on the order of second reading, reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 1, in the title, strike out the words "and Alice Smith" and the word "officers" and insert the word "officer" underscored.

Same page, line 3, after the word "Confield" strike out the words "and Alice Smith."

Same page, line 4, after the word "by" strike out the words "each of them" and insert the word "him" underscored; also, after the word "probation" strike out the word "officers" and insert the word "officer" underscored.

Same page, line 6, after the word "year" strike out the word "each."

JEAN L. BURNETT,

*Chairman.*



Which report was agreed to and said bill ordered reprinted, and recommitted to said committee.

Mr. Wade, from the committee on taxation and retrenchment, to which was referred the bill introduced by Mr. Cotton, Int. No. 100, entitled "An act to amend the Tax Law in relation to the exemption of the property of certain pharmaceutical societies situated in cities of the first class" (No. 100), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wade, from the committee on taxation and retrenchment, reported by bill entitled "An act to amend the Tax Law by providing for a tax on transfers of stock" (Int. No. 588), which was read the first time and said committee recommends that said bill when printed be referred to said committee, which report was agreed to and said bill ordered printed and referred to said committee.

Mr. Wade, from the committee on taxation and retrenchment, reported by bill entitled "An act to amend the Penal Code in relation to forging State stamps" (Int. No. 587), which was read the first time and said committee recommends that said bill when printed be referred to the committee on codes, which report was agreed to and said bill ordered printed and referred to the committee on codes.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. West, Int. No. 30, entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads" (No. 30), reported in favor of the passage of the same, without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. West, Int. No. 333, entitled "An act for the relief of the county of Yates, relative to the collection of uncollected taxes therein of the years 1898, 1899, 1900, 1901, and 1902, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were assessed" (No. 333), reported in favor of the passage of the same without amendment, which

report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Phillips, Int. No. 465, entitled "An act to legalize the proceedings of the town board of the town of Granger, county of Allegany, and the proceedings and resolution of the board of supervisors of Allegany county, in respect to the issue of bonds by such town to pay certain indebtedness thereof" (No. 495), reported in favor of the passage of the same with the following amendment:

Page 2, line 26, strike out the words "This act shall take effect immediately" and insert in place thereof the following:

"§ 3. Nothing in this act contained shall be so construed as to affect any action or proceeding pending in any court at the time this act takes effect.

"§ 4. This act shall take effect immediately."

S. PERCY HOOKER,

*Chairman.*

Which report was agreed to, and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Bisland, Int. No. 476, entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season on hares and rabbits" (No. 518), reported the same with the following amendments, and request that said bill be recommitted to said committee.

On page 1, line 7, strike out the word "twelve" and insert the word "thirteen."

On page 2, line 21, insert the following words "except in the county of Fulton" before the word "hares."

WILLIS A. REEVE,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Evans, from the committee on public printing, to which was referred the resolution relative to printing 1,000 additional copies of Assembly bill No. 189, reported in favor of the adoption of the following resolution:

Resolved, That there be printed 1,000 additional copies of Assembly bill No. 189, entitled "An act to provide for the treatment

of persons, residents of the city of New York, male and female, in the city of New York, who are habitually intoxicated, or who are found guilty of intoxication, or who become incompetent or dangerous from the use of alcoholic stimulants, opiates, narcotics or drugs of any description," for the use of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution and it was decided in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Hurd	Palmer	Smith A E
Allen F E	Ellis	Knapp	Patton	Smith J E
Anderson	Etsel	La Fetra	Pendry	Smith J T
Apgar	Everett	La Rue	Perham	Standart
Bass	Fish	Leggett	Phillips	Stanley
Bedell	Foelker	Machacek	Plank	Stevens
Beebe	Francisco	Maier	Pratt	Tenjost
Bird	Freidel	Malloy	Prentice	Thompson J A
Bisland	Gardner	Mathews T F	Quinn	Tompkins
Brooks	Gates	Matthews C R	Reeve	Wade
Burns	Grady	McKeown	Reilly	Wagner
Byrne	Gray	McManus	Rogers	Wainwright
Cahn	Hackett	Mead	Rosenstein	West
Carrier	Hammond	Merritt	Sammon	Whitney F G
Caughlan	Hanford	Monroe	Santee	Whitney G H
Charles W B	Hapeman	Moreland	Scovill	Wilsnack
Coon	Hastings	Murphy	Sheehy	Wolf
Coutant	Hooker	Newton	Sheldon	Wood F C
Cowan	Hooper	Nugent	Shuttleworth	Wood F X
Cunningham	Hubbs	O'Neill	Slocum	Young
Dodd				

Mr. Evans, from the committee on public printing, to which was referred the resolution relative to printing 500 additional copies of Assembly bill No. 461, reported in favor of the adoption of the following resolution:

Resolved, That there be printed for the use of the Assembly, 500 extra copies of Assembly bill No. 461, entitled "An act to abolish the county of Hamilton and to annex the territory thereof to the counties of Franklin, Herkimer and Fulton."

Mr. Speaker put the question whether the House would agree to said resolution and it was decided in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 104  
NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Perry	Stanley
Allen F E	Cunningham	Knapp	Phillips	Stevens
Anderson	Dodd	La Rue	Platt	Sullivan
Bass	Donovan	Leggett	Pratt	Tenjest
Becker	Etzel	Lewis	Prince	Thompson J A
Bedell	Evans	Machacek	Quinn	Tompkins
Beihill	Fish	Malloy	Reeve	Waddell
Bird	Fitzsimons	Mathews T F	Reilly	Wade
Brady	Foster	Matthews C R	Rogers	Wagner
Brooks	Freidel	McKeown	Salomon	Wainwright
Burnett	Gardner	McManus	Sammon	Wedemeyer
Burns	Grady	Mead	Schoeneck	West
Burzynski	Gray	Miller	Scovill	Whitney F G
Byrne	Gurnett	Monroe	Sheehy	Whitney G H
Cadin	Hackett	Murphy	Sheldon	Wiegand
Callahan	Hanford	Newton	Shuttleworth	Wilson
Caughlan	Hapeman	Nugent	Slocum	Wolf
Charles E E	Hartman	Ogden	Smith A E	Wood F X
Cooke	Hooper	Palmer	Smith J E	Yale
Cotton	Hornidge	Parker	Smith J T	Young
Coutant	Hubbs	Pendry	Standart	

Mr. Evans, from the committee on public printing, to which was referred the resolution relative to printing 500 additional copies of Assembly bill No. 30, reported in favor of the adoption of the following resolution:

Resolved, That there be printed 500 additional copies of Assembly bill No. 30, entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads" for the use of the Assembly.

Mr. Speaker put the question whether the House would agree to said resolution and it was decided in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof and three-fifths being present.

AYES 97  
NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	Knapp	Phillips	Tenjest
Anderson	Dowling	Ia Petra	Plank	Thompson J A
Apgar	Ellis	Leggett	Pratt	Thonet
Becker	Evans	Lewis	Prince	Tompkins
Bedell	Fish	Maier	Reeve	Waddell
Beebe	Foelker	Malloy	Rigby	Wade
Bird	Francisco	Mathews T F	Rogers	Wagner
Bisland	Fuller	Matthews C R	Rosenstein	Wainwright

Brooks	Gates	McKeown	Sammon	West
Burnett	Grady	McManus	Schoeneck	Wemple
Burzynski	Gray	Mead	Shanahan	Whitney G H
Byrne	Gurnett	Moreland	Sheldon	Wiegand
Cahn	Hammond	Murphy	Sherry	Wilsnack
Carrier	Hapeman	Newton	Slocum	Wilson
Charles E E	Hartman	Ogden	Smith A E	Wolf
Charles W B	Hooker	Palmer	Smith J E	Wood F C
Coon	Hooper	Parker	Standart	Wood F X
Coutant	Hornidge	Pendry	Stanley	Yale
Cox	Hubbs	Perham	Stevens	Young
Cunningham	Kavanaugh			

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to release to Joseph S. Guthorn the right, title and interest of the people of the State of New York to certain real estate situate in the borough of Manhattan, city, county and State of New York." (No. 507, Int. No. 303.)

"An act to release to Ralph A. Dawson and his heirs and assigns the interest of the State in certain lands in the town of Southampton, Suffolk county, N. Y." (No. 508, Int. No. 176.)

"An act empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements." (No. 510, Int. No. 298.)

"An act to release to Courtney C. Douglas, the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York." (No. 506, Int. No. 80.)

"An act to amend the Code of Civil Procedure, relative to the cases in which an action in divorce may be maintained." (No. 236, Int. No. 236.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 505) entitled "An act authorizing the treasurer of the city of Utica to appoint a bookkeeper, fixing his salary and the security to be given by him" (Int. No. 229), reported the same with the following recommendations:

Amend the title to read as follows:

"An act authorizing the treasurer of the city of Utica to appoint a bookkeeper."

FRED W. HAMMOND, *Chairman.*



Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 504) entitled "An act to amend the University Law, relating to the number of Regents necessary to constitute a quorum" (Int. No. 495), reported the same with the following recommendations:

Page 1, line 2, after the word "ninety-two" insert the words "entitled 'An act to revise and consolidate the laws relating to the University of the State of New York,'" and strike out the words "known as."

Same page, line 3, strike out the words "the university law."

Same page, line 7, insert a comma after the word "which."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 512) entitled "An act to amend chapter 452 of the Laws of 1904, entitled 'An act to authorize the city of Utica to extend its system of drainage and to borrow money to pay for the same'" (Int. No. 170), reported the same with the following recommendations:

Insert quotation marks at end of title.

Page 1, line 4, strike out the words "so as."

Page 2, line 8, strike out the words "so as."

Same page, line 11, capitalize the word "the."

Same page, line 15, insert a period after the word "cost."

Page 3, line 4, strike out the words "so as."

Same page, line 16, strike out the words "so as."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 511) entitled "An act to create and establish a department of forestry for the planting, transplanting and removal of trees and for caring of same in the city of Buffalo" (Int. No. 200), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to create and establish a department of forestry in the city of Buffalo."

Page 3, line 21, strike out the word "the" and insert the word "their."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 509) entitled "An act relative to the city court of the city of New York" (Int. No. 235), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the code of civil procedure relative to the city court of the city of New York, and making other provisions in relation thereto."

Page 1, line 2, insert a comma after the word "procedure."

Page 2, line 5, insert a comma after the words "action" and "justice."

Same page, line 10, insert a comma after the word "procedure."

Same page, line 11, strike out the comma after the word "appointed."

Same page, line 12, strike out the comma after the words "pleasure" and "thereof."

Same page, line 16, insert a comma after the word "remove."

Same page, line 18, strike out the comma after the word "duty."

Same page, line 20, strike out the comma after the word "clerk."

Page 3, line 4, insert a comma after word "procedure."

Same page, line 6, insert a comma after the word "court."

Same page, line 9, underscore the words "or special."

Same page, line 14, insert a comma after the word "procedure."

Same page, line 15, insert a comma after the second word "time."

Page 4, line 2, insert a comma after the word "procedure."

Same page, line 3, strike out the comma after the word "interpreter."

Same page, line 8, insert a comma after the word "procedure."

Same page, line 15, strike out the figure "6" and insert the figure "7."

Page 6, line 7, strike out the semicolon and the words "out" and "herein;" capitalize the word "nothing" and insert

the words "in this act," and strike out the words "This act shall take effect immediately."

Add a new section : § 13. This act shall take effect immediately.

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on internal affairs be discharged from the further consideration of Senate bill No. 141, entitled "An act authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains hospital association of White Plains." (Rec. No. 21.)

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

On motion of Mr. Wainwright, and by unanimous consent, said bill was read the second time, and ordered to a third reading.

On motion of Mr. Wainwright, and by unanimous consent, said bill was ordered placed on the third reading calendar for Thursday next.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed and engrossed:

"An act to provide for the endowment of chapels and crematories. (No. 117, Int. No. 117.)

"An act to amend chapter 206 of the Laws of 1902, entitled 'An act in relation to the removal of the remains of deceased soldiers from Potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries,' providing for the payment of certain expenses by the county." (No. 334, Int. No. 334.)

"An act to provide for the payment of office expenses and salaries of employees in the office of the State Superintendent of

Elections for the metropolitan elections district." (No. 126, Int. No. 126.)

"An act to amend chapter 598 of the Laws of 1892, entitled, 'An act to provide for reporting the decisions of the inferior courts of record in the State of New York,' in relation to the allowance for assistance, clerk hire and office expenses in the miscellaneous reporter's department." (No. 324, Int. No. 308.)

"An act to amend the Village Law, relative to crosswalks and sidewalks." (No. 220, Int. No. 220.)

"An act to reappropriate money for the acquisition of additional land for the Creedmore rifle range, as provided by chapter 633 of the Laws of 1902, and making the same applicable for improvements to said rifle range." (No. 383, Int. No. 344.)

"An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village." (No. 311, Int. No. 311.)

"An act to legalize the bonds of the village of Fonda, Montgomery county, N. Y., amounting to the sum of \$23,000, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds." (No. 382, Int. No. 343.)

"An act to amend the Railroad Law, in relation to approval of lease by stockholders." (No. 377, Int. No. 338.)

"An act to provide for the payment of fines, penalties or forfeitures imposed or collected for taking part in the game of policy." (No. 91, Int. No. 91.)

Mr. Speaker announced the special order, being the bill (No. 306), entitled "An act to amend chapter 905 of the Laws of 1896, entitled 'An act to incorporate the city of Watervliet,' generally." (Int. No. 189.)

Said bill having been announced for a second reading,

Mr. Speaker announced the question to be on the motion of Mr. Palmer to amend said bill, amendments offered February 9.

Debate was had thereon, when

Mr. Rogers moved the previous question.

Mr. Speaker put the question "Shall the main question be now put?" and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. Palmer and it was determined in the negative.

AYES 37

NOES 86

Those who voted in the affirmative were:

Anderson	Donovan	La Fetra	Quinn	Smith R H
Bird	Ellis	Machacek	Rosenstein	Sullivan
Burzynski	Fuller	Mathews T F	Salomon	Tompkins
Byrne	Grady	McKeown	Sammon	Wagner
Cahn	Gurnett	McManus	Shanahan	Wedemeyer
Cooke	Hackett	Nugent	Sherry	Wiegand
Dale	Hornidge	Palmer	Smith A E	Wolf
Dodd	Kavanaugh			

Those who voted in the negative were:

Agnew	Cunningham	Knapp	Phillips	Steele
Allen F E	Etzel	La Rue	Platt	Stevens
Apgar	Fish	Lewis	Pratt	Tenjost
Becker	Foelker	Maier	Prentice	Thompson G F
Bedell	Foster	Matthews C R	Reeve	Thonet
Beebe	Freidel	Mead	Rigby	Waddell
Beihlf	Gardner	Miller	Rogers	Wade
Bisland	Gates	Moreland	Santee	Wadsworth
Brooks	Grattan	Murphy	Scovill	Wainwright
Burnett	Gray	Newton	Sheldon	Wemple
Cadin	Hammond	Ogden	Shuttleworth	Whitney F G
Callahan	Hanford	O'Neill	Slocum	Whitney G I <sup>r</sup>
Carrier	Hapeman	Parker	Smith A P	Wilsnack
Charles E E	Hooker	Patton	Smith J E	Wood F C
Coon	Hooper	Pendry	Smith J T	Wood F X
Cotton	Hubbs	Perham	Standart	Yale
Coutant	Hurd	Perry	Stanley	Young
Cox				

Mr. Cooke moved to amend as follows:

Strike out on page 4, line 24 thereof, the words "within thirty days after the passage of this act" and inserting in place thereof the words "at the first meeting of the common council in January 1907." Also, insert in line 8, page 6, of said bill, after the word "commissioners" the words "nor shall this act affect the power and authority of the present mayor to discharge his duties as president of the common council during his term of office."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

On motion of Mr. Grattan, said bill was then read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 88

NOES 33

Those who voted in the affirmative were :

Agnew	Cox	Hooper	Phillips	Steele
Allen F E	Cunningham	Hubbs	Platt	Stevens
Apgar	Dowling	Knapp	Pratt	Tenlost
Becker	Etzel	La Rue	Prentice	Thompson G F
Bedell	Evans	Lewis	Reeve	Thonet
Beebe	Fish	Maier	Rigby	Wade
Beihliff	Foelker	Matthews C R	Rogers	Wadsworth
Bisland	Foster	Miller	Santee	Wainwright
Brooks	Freidel	Moreland	Schoeneck	Wemple
Burnett	Gardner	Murphy	Scovill	Whitney F G
Cadin	Gates	Newton	Sheldon	Whitney G H
Callahan	Grattan	Ogden	Shuttleworth	Wilsnack
Carrier	Gray	O'Neill	Slocum	Wilson
Charles E E	Hammond	Parker	Smith J E	Wood F C
Coon	Hanford	Patton	Smith J T	Wood F X
Cotton	Hapeman	Pendry	Standart	Yale
Coutant	Hartman	Perham	Stanley	Young
Cowan	Hooker	Perry		

Those who voted in the negative were :

Anderson	Donovan	Kavanaugh	Rosenstein	Sullivan
Bird	Ellis	La Fetra	Sammon	Tompkins
Burns	Fuller	McKeown	Shanahan	Wagner
Cahn	Grady	McManus	Sherry	Wedemeyer
Cooke	Gurnett	Nugent	Smith A E	Wiegand
Dale	Hackett	Palmer	Smith R H	Wolf
Dodd	Hornidge	Quinn		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 262) entitled "An act to amend the Forest, Fish and Game Law, in relation to muskallonge" (Int. No. 262), having been announced for a third reading.

On motion of Mr. Foster, and by unanimous consent, said bill was ordered placed on the third reading calendar for Tuesday next.

The bill (No. 517) entitled "An act to amend the Poor Law, in relation to the relief of Indians in case of epidemic" (Int. No. 291), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 1

Those who voted in the affirmative were:

Agnew	Dale	Hubbs	Perham	Smith R H
Allen F E	Dodd	Hurd	Perry	Stanley
Allen J G	Dowling	Knapp	Phillips	Steele
Anderson	Ellis	La Fetra	Plank	Stevens
Bass	Etzel	La Rue	Platt	Tenjost
Becker	Everett	Lewis	Pratt	Thompson J A
Beebe	Fish	Machacek	Prince	Tompkins
Beihlf	Fitzsimons	Maier	Reeve	Wade
Bird	Foelker	Malloy	Reilly	Wagner
Brady	Foster	Mathews T F	Rigby	Wainwright
Brooks	Freidel	Mathews C R	Rogers	Wedemeyer
Burns	Gardner	McKeown	Salomon	Wemple
Burzynski	Gates	McManus	Sammon	Whitney F G
Cadin	Grattañ	Mead	Schoeneck	Whitney G H
Cahn	Gray	Miller	Scovill	Wilsnack
Carrier	Hackett	Moreland	Sheehy	Wilson
Charles E E	Hammond	Murphy	Sheldon	Wolf
Cooke	Hanford	Nugent	Shuttleworth	Wood F X
Cotton	Hartman	O'Neill	Smith A P	Yale
Cowan	Hooker	Parker	Smith J E	Young
Cox	Hooper	Pendry		

In the negative:

Palmer

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 545) entitled "An act to legalize, ratify and confirm the elections held, by the voters of union free school district No. 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds" (Int. No. 106), was read the third time, having been printed and upon

the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hapeman	Nugent	Smith A E
Allen F E	Coutant	Hartman	Ogden	Smith J E
Allen J D	Cowan	Hooker	O'Neill	Smith J T
Anderson	Cox	Hooper	Parker	Standart
Apgar	Cunningham	Hornidge	Patton	Steele
Becker	Dale	Hubbs	Perham	Sullivan
Bedell	Dodd	Kavanaugh	Perry	Tenjost
Beebe	Donovan	Knapp	Plank	Thompson J A
Beihilf	Dowling	La Fetra	Platt	Thonet
Bird	Ellis	La Rue	Pratt	Waddell
Bisland	Etzel	Leggett	Prince	Wade
Brady	Everett	Lewis	Quinn	Wadsworth
Brooks	Fish	Machacek	Reeve	Wainwright
Burnett	Foelker	Maier	Reilly	Wedemeyer
Burns	Foster	Malloy	Rigby	Wemple
Byrne	Francisco	Mathews T F	Rosenstein	Whitney F D
Cadin	Freidel	Mathews C R	Sammon	Wiegand
Cahn	Gardner	McKeown	Santee	Wilsnack
Callahan	Gates	McManus	Scovill	Wilson
Carrier	Grady	Mead	Shanahan	Wood F C
Caughlan	Grattan	Miller	Sheehy	Wood F X
Charles W B	Gurnett	Monroe	Sherry	Yale
Cooke	Hackett	Murphy	Shuttleworth	Young
Coon	Hanford	Newton	Slocum	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and as amended, have again passed the same and request the concurrence of the Senate therein.

The bill (No. 548) entitled "An act to amend chapter 328 of the Laws of 1886, entitled 'An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for the same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same' in relation to boundaries" (Int. No. 394), was read the third time, having been printed and

upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Cooke	Hammond	Ogden	Smith J E
Allen F E	Cotton	Hanford	Palmer	Smith R H
Allen J G	Coutant	Hartman	Parker	Standart
Anderson	Cox	Hastings	Patton	Steele
Apgar	Cunningham	Hooper	Perham	Sullivan
Bass	Dale	Hornidge	Phillips	Thompson D F
Becker	Donovan	Hubbs	Platt	Thonet
Bedell	Dowling	Kavanaugh	Pratt	W: ddell
Beebe	Etzel	La Fetra	Prince	Wade
Beihilf	Evans	La Rue	Reeve	Wadsworth
Bird	Everett	Lewis	Reilly	Wainwright
Brady	Fitzsimons	Maier	Rogers	West
Brooks	Foelker	Mathews T F	Salomon	Wemple
Burns	Francisco	Matthews C R	Sammon	Whitney D H
Burzynski	Freidel	McKeown	Santee	Wiegand
Byrne	Gardner	Mead	Scovill	Wilson
Cadin	Gates	Merritt	Sheehy	Wolf
Cahn	Grady	Monroe	Sheldon	Wood F X
Carrier	Gray	Moreland	Shuttleworth	Yale
Charles E E	Gurnett	Newton	Smith A E	Young
Charles W B				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 547) entitled "An act to amend chapter 580 of the Laws of 1902 entitled, 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinance" (Int. No. 372), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooker	O'Neill	Smith R H
Allen F E	Cowan	Hooper	Palmer	Standart
Allen J G	Cunningham	Hornidge	Patton	Steele
Anderson	Dodd	Hubbs	Pendry	Stevens
Apgar	Donovan	Kavanaugh	Perry	Tenjust
Bass	Ellis	Knapp	Phillips	Thompson D F
Becker	Etzel	La Fetra	Platt	Thonet
Bedell	Evans	La Rue	Pratt	Tompkins
Beebe	Fish	Leggett	Prince	Wade
Bird	Foelker	Lewis	Reeve	Wagner
Bisland	Foster	Maier	Rigby	Wainwright
Brady	Francisco	Malloy	Rogers	West
Brooks	Fuller	Mathews T F	Rosenstein	Whitney F G
Burns	Gardner	Matthews C R	Sammon	Whitney G H
Burzynski	Grady	McKeown	Schoeneck	Wiegand
Cadin	Grattan	Mead	Shanahan	Wilson
Callahan	Gray	Miller	Sheldon	Wolf
Caughlan	Hackett	Monroe	Sherry	Wood F C
Charles E E	Hammond	Murphy	Shuttleworth	Yale
Cooke	Hapeman	Newton	Smith A P	Young
Coon	Hastings	Nugent	Smith J E	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 546) entitled "An act to amend the Greater New York charter in relation to actions to recover penalties for the violation of any law or ordinance" (Int. No. 373), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 103

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hornidge	Plank	Stanley
Allen F E	Cunningham	Hurd	Platt	Stevens
Allen J G	Dale	Knapp	Prentice	Sullivan
Anderson	Donovan	La Fetra	Quinn	Thompson G F
Apgar	Ellis	La Rue	Reeve	Thompson J A
Bass	Etzel	Lewis	Bigby	Tompkins
Bedell	Everett	Machacek	Rogers	Waddell
Beebe	Fitzsimons	Malloy	Salomon	Wade
Bird	Foster	Matthews C R	Sammon	Wadsworth
Bisland	Francisco	McKeown	Schoeneck	Wedemeyer



Brady	Fuller	McManus	Scovill	West
Brooks	Gardner	Merritt	Shanahan	Whitney F G
Burns	Gates	Moreland	Sheldon	Whitney G H
Burzynski	Grattan	Newton	Shuttleworth	Wiegand
Cadin	Gray	Nugent	Slocum	Wilson
Callahan	Hackett	O'Neill	Smith A P	Wolf
Carrier	Hanford	Palmer	Smith A E	Wood F C
Charles E E	Hapeman	Parker	Smith J T	Wood F X
Cooke	Hastings	Pendry	Smith R H	Yale
Coon	Hooker	Perham	Standart	Young
Coutant	Hooper	Perry		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 109) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplemental thereto, in relation to fixing the term of office of the mayor of the city of Buffalo" (Int. No. 109), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 114

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooker	Parker	Smith J T
Allen F E	Cox	Hornidge	Pendry	Smith R H
Anderson	Cunningham	Hubbs	Perham	Standart
Apgar	Dale	Hurd	Phillips	Steele
Bass	Dodd	Knapp	Plank	Sullivan
Bedell	Donovan	La Fetra	Platt	Tenjust
Beebe	Dowling	La Rue	Prentice	Thompson J A
Bird	Evans	Lewis	Prince	Tompkins
Bisland	Everett	Machacek	Reeve	Waddell
Brooks	Fish	Malloy	Reilly	Wagner
Burns	Foelker	Mathews T A	Rogers	Wadsworth
Burzynski	Francisco	Matthews C R	Rosenstein	Wedemeyer
Byrne	Freidel	McKeown	Salomon	Wemple
Cahn	Gardner	McManus	Sammon	Whitney F G
Callahan	Grady	Mead	Santee	Whitney G H
Carrier	Grattan	Merritt	Scovill	Wiegand
Caughlan	Gray	Miller	Shanahan	Wilsnack
Charles E E	Gurnett	Monroe	Sheldon	Wolf
Charles W B	Hackett	Moreland	Sherry	Wood F C
Cooke	Hammond	Newton	Shuttleworth	Wood F X
Coon	Hapeman	Nugent	Slocum	Yale
Cotton	Hartman	Ogden	Smith N P	Young
Coutant	Hastings	Palmer	Smith A E	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Steele called up the bill (No. 146) entitled "An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district" (Int. No. 23), heretofore recalled from the Governor pursuant to concurrent resolution of the Senate and Assembly.

Mr. Steele moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 106

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Knapp	Perry	Smith R H
Allen F E	Dowling	La Fetra	Phillips	Stanley
Anderson	Etzel	Leggett	Plank	Steele
Apgar	Evans	Lewis	Pratt	Sullivan
Bass	Everett	Maier	Prentice	Tenjost
Bedell	Fitzsimons	Malloy	Quinn	Thompson G F
Beihlf	Foelker	Mathews T F	Reeve	Thonet
Bisland	Francisco	Matthews C R	Reilly	Tompkins
Brady	Freidel	McKeown	Rigby	Wade
Burnett	Fuller	McManus	Rogers	Waddell
Burzynski	Gardner	Merritt	Salomon	Wagner
Byrne	Grady	Miller	Sammon	West
Cahn	Grattan	Monroe	Schoeneck	Wemple
Carrier	Gurnett	Murphy	Scovill	Whitney F G
Caughlan	Hackett	Newton	Sheehy	Whitney G H
Charles W B	Hanford	Nugent	Sheldon	Wilsnack
Cooke	Hapeman	Ogden	Shuttleworth	Wilson
Cotton	Hastings	Palmer	Slocum	Wood F C
Coutant	Hooper	Parker	Smith A P	Wood F X
Cox	Hornidge	Patton	Smith J E	Yale
Cunnirgham	Hubbs	Pendry	Smith J T	Young
Dale	Kavanaugh			

Mr. Steele moved that said bill be recommitted to the committee on public education, with instructions to report the same forthwith amended as follows:

Page 2, after line 24, add the following:

" § 3. Nothing in this act contained shall be so construed as to

affect any action or proceeding pending in any court when this act takes effect."

Same page, line 25, make " § 3 " read " § 4."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Wainwright, from the committee on public education, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

By unanimous consent, Mr. Wainwright called up the bill (No. 296) entitled "An act authorizing the town board of the town of White Plains to appropriate certain moneys to the White Plains Hospital Association of White Plains" (Int. No. 296), heretofore laid aside on the order of third reading.

Said bill having been announced for a third reading,

On motion of Mr. Wainwright, said bill was laid aside, and ordered stricken from the calendar.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill No. 173, entitled "An act to legalize and to provide for the payment of bonds of the village of Tuckahoe, in the county of Westchester, directed to be issued for the improvement of Washington and a portion of Breckinredge streets in said village" (Rec. No. 13), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the bill (No. 32, Senate reprint No. 176) entitled "An act to amend the County Law relative to the compensation of supervisors in Niagara county." (Int. No. 32.)

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Rogers, the House adjourned.

## THURSDAY, FEBRUARY 16, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the chair.

Prayer by Rev. F. V. W. Lehman, Jerusalem, Albany county.

On motion of Mr. Burnett, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Speaker presented the annual report of the Comptroller on the Expenditures of the Canals, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the State Engineer and Surveyor, which was laid upon the table and ordered printed.

(See Document.)

The privileges of the floor were extended to Hon. John Pallace, a former member, and John P. Haines.

Mr. Brooks introduced a bill entitled "An act to amend section 603, of Code of Civil Procedure, relating to injunctions" (Int. No. 590), which was read the first time and referred to the committee on codes.

Mr. Dale introduced a bill entitled "An act to legalize the acts of Henry Mollenhauer, jr., a commissioner of deeds" (Int. No. 591), which was read the first time and referred to the committee on the judiciary.

Mr. Wainwright introduced a bill entitled "An act to amend the Village Law, in relation to village elections" (Int. No. 592), which was read the first time and referred to the committee on affairs of villages.

Mr. Agnew introduced a bill entitled "An act to amend chapter 429 of the Laws of 1884, entitled 'An act to incorporate the New York Cancer Hospital,' the name of which hospital was changed by chapter 43 of the Laws of 1899, to that of General Memorial Hospital for the Treatment of Cancer and Allied Diseases, in relation to quorum of managers" (Int. No. 593), which was read the first time and referred to the committee on general laws.

Mr. McKeown introduced a bill entitled "An act authorizing the audit and allowance of the claim of Andrew P. Wernberg

against the city of New York, for services rendered as inspector in the auditing bureau of the department of finance of the city of New York " (Int. No. 594), which was read the first time and referred to the committee on affairs of cities.

Mr. F. H. Wood introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of the town of Skaneateles, bonded to aid in the construction of the Skaneateles railroad, on account of the payment to the State of the State taxes collected from such railroad " (Int. No. 595), which was read the first time and referred to the committee on claims.

Mr. Ogden introduced a bill entitled "An act to amend chapter 14 of the Laws of 1880 entitled, 'An act to further amend chapter 143 of the Laws of 1861, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and to consolidate therewith the several acts in relation to the charter of said city ' " (Int. No. 596), which was read the first time and referred to the committee on affairs of cities.

Mr. A. E. Smith introduced a bill entitled "An act to amend the Banking Law, prohibiting use of the word 'savings,' except by savings banks and building and loan associations " (Int. No. 597), which was read the first time and referred to the committee on banks.

Mr. J. T. Smith introduced a bill entitled "An act to amend the County Law, relative to the salaries of the county judge and the surrogate of Dutchess county " (Int. No. 598), which was read the first time and referred to the committee on internal affairs.

Mr. Cunningham introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to spearing fish in Ulster county " (Int. No. 599), which was read the first time and referred to the committee on fisheries and game.

Mr. Sullivan introduced a bill entitled "An act to prevent the sale and manufacture of cigarettes " (Int. No. 600), which was read the first time and referred to the committee on public health.

Mr. Cox introduced a bill entitled "An act to amend section 176 of article 9 of chapter 20 of the Laws of 1900, known as an act for the protection of the forests, fish and game of the State, constituting chapter 31 of the general laws, giving additional



power of search to special protectors " (Int. No. 601), which was read the first time and referred to the committee on fisheries and game.

Mr. Perham introduced a bill entitled "An act to amend the Code of Civil Procedure relative to demurrers" (Int. No. 602), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend the Code of Civil Procedure relative to trial of issues" (Int. No. 603), which was read the first time and referred to the committee on codes.

Mr. Beihlf introduced a bill entitled "An act relating to corporations engaged in examining and insuring title to real estate, requiring them to certify and insure statements of defects, objections, et cetera" (Int. No. 604), which was read the first time and referred to the committee on general laws.

Mr. Merritt introduced a bill entitled "An act to amend section 85 of chapter 568 of the Laws of 1890, entitled 'An act in relation to highways, constituting chapter 19 of the general laws'" (Int. No. 605), which was read the first time and referred to the committee on general laws.

Mr. West introduced a bill entitled "An act to amend the Tax Law, in relation to the notice of completion of assesment roll and grievance day" (Int. No. 606), which was read the first time and referred to the committee on internal affairs.

Mr. McManus introduced a bill entitled "An act to amend the Greater New York charter, relative to the remission of fines by the city magistrates and justices of special sessions" (Int. No. 607), which was read the first time and referred to the committee on affairs of cities.

Mr. Prentice introduced a bill entitled "An act to amend the Code of Criminal Procedure in relation to the salaries of probation officers" (Int. No. 608), which was read the first time and referred to the committee on codes.

Mr. Becker introduced a bill entitled "An act to assess the cost and expense of constructing a bridge over the railroad tracks on Main street east, in the city of Rochester, on the property benefited thereby" (Int. No. 609), which was read the first time and referred to the committee on cities.

Mr. A. E. Smith introduced a bill entitled "An act to authorize the payment of the claim of James A. Russell for services rendered the city of New York" (Int. No. 610), which was read the first time and referred to the committee on affairs of cities.

Mr. Callahan introduced a bill entitled "An act to repeal section 1023 of the Code of Civil Procedure, relating to exceptions and requests to find" (Int. No. 611), which was read the first time and referred to the committee on codes.

Mr. Pendry introduced a bill entitled "An act amending section 91 of the General Railroad Laws in relation to recording consents of property owners and local authorities, as amended by chapter 537 of the Laws of 1903" (Int. No. 612), which was read the first time and referred to the committee on general laws.

Mr. Prentice introduced a bill entitled "An act to amend 'An act in relation to the traffic in liquors, and for the taxation and regulation of the same, and to provide for local option, constituting chapter 29 of the general laws'" (Int. No. 613), which was read the first time and referred to the committee on excise.

Mr. Pratt introduced a bill entitled "An act to confirm the election and all proceedings for the reincorporation of the village of Clinton, the election and all proceedings to establish an electric lighting system and all proceedings of said village and its officers under the Village Law and the title to all its officers elected and appointed pursuant to the provisions of said law" (Int. No. 614), which was read the first time and referred to the committee on affairs of villages.

Mr. Machacek introduced a bill entitled "An act to amend the Penal Code relative to the sale of adulterated drugs and medicines" (Int. No. 615), which was read the first time and referred to the committee on codes.

Mr. Wainwright introduced a bill entitled "An act to amend chapter 550 of the Laws of 1903, entitled 'An act to amend chapter 537 of the Laws of 1901, entitled "An act to amend chapter 687 of the Laws of 1894, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail of Westchester county and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,'"

as amended by chapter 420 of the Laws of 1895 and by chapter 310 of the Laws of 1889, relative to the powers and duties of sheriff' " (Int. No. 616), which was read the first time and referred to the committee on internal affairs.

Mr. Merritt introduced a bill entitled "An act to amend the Real Property Law in relation to the authentication of conveyances executed outside of the State of New York and within the United States " (Int. No. 617), which was read the first time and referred to the committee on general laws.

Mr. Cadin introduced a bill entitled "An act to amend the Election Law relative to the length of time certain papers shall be kept on file by the county clerk " (Int. No. 618), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Primary Election Law relative to the length of time certain papers shall be kept on file by the custodian of primary records " (Int. No. 619), which was read the first time and referred to the committee on the judiciary.

Mr. Rosenstein introduced a bill entitled "An act to amend the Public Health Law by defining optometry, and regulating the practice thereof " (Int. No. 620), which was read the first time and referred to the committee on public health.

Mr. Cowan introduced a bill entitled "An act to amend section 20 of the Agricultural Law, entitled 'An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws ' " (Int. No. 621), which was read the first time and referred to the committee on agriculture.

Mr. Rogers introduced a bill entitled "An act making an appropriation for the payment of the interest on the canal debt for the fiscal year beginning on the 1st day of October, 1905, and for the payment of a portion of the principal of said debt " (Int. No. 622), which was read the first time and referred to the committee on ways and means.

Mr. J. T. Smith introduced a bill entitled "An act to amend the Banking Law relative to securities in which deposits in savings banks may be invested " (Int. No. 623), which was read the first time and referred to the committee on banks.

By unanimous consent,

Mr. Tompkins introduced a bill entitled "An act to amend the

Greater New York charter relative to leave of absence to teacher elected as member of legislative body" (Int. No. 625), which was read the first time.

On motion of Mr. Tompkins, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on affairs of cities.

By unanimous consent,

Mr. G. F. Thompson introduced a bill entitled "An act to amend the charter of the city of Lockport, generally" (Int. No. 626), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent,

Mr. Monroe introduced a bill entitled "An act to amend section 2 of chapter 585 of the Laws of 1865, entitled 'An act to establish the Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress on the 2nd day of July, 1862; also, to restrict the operation of chapter 511 of the Laws of 1863,' as amended by chapter 87 of the Laws of 1895, and as farther amended by chapter 238 of the Laws of 1896" (Int. No. 624), which was read the first time.

On motion of Mr. Monroe, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on public education.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Moreland, Int. No. 405, entitled "An act to amend chapter 231 of the Laws of 1895, entitled 'An act to establish a law library in the sixth judicial district to be called the Supreme Court Library at Elmira, and making an appropriation therefor,' relative to the salary of librarian" (No. 405), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the Senate bill introduced by Mr. Goodsell, Rec. No. 19, entitled "An act giving the consent of the State of New York to the purchase, by the United States, of land in the county of Orange for the purpose of increasing the water supply upon the United States Military Reservation at West Point" (No. 211), reported in favor of the passage of the same without amendment,



which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Fish, Int. No. 142, entitled "An act to legalize and confirm the official acts of various notaries public and commissioners of deeds, done and performed in the State of New York after the expiration of the several and respective terms of office, or after their failure to take and file their respective oaths of office or otherwise qualify according to law, between the twenty-fourth day of March, 1904, and the seventeenth day of January, 1905" (No. 142), reported in favor of the passage of the same with the following amendments:

In fourth line of title after the word "office" insert the words "after change of residence." Also, strike out the words "seventeenth day of January, nineteen hundred and five," and insert the words "passage of this act."

Page 1, line 4. after the word "expired" insert the words "after change of residence from the county for which they were appointed to another county."

Page 2, lines 3 and 4, strike out the words "seventeenth day of January, nineteen hundred and five," and insert the words "passage of this act."

Same page, line 7, at the beginning of line insert the words "had not changed his residence and."

R. J. FISH,  
*Chairman.*

Which report was agreed to, and said bill ordered reprinted, as amended, and placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Cowan, Int. No. 422, entitled "An act to amend section 2,881 of the Code of Civil Procedure, relative to serving summons upon telegraph companies" (No. 451), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Bedell, Int. No. 365, entitled "An act to amend chapter 331 of the Laws of 1904, entitled 'An act to amend the Code of Civil Procedure, in relation to professional or registered nurses as witnesses,' in relation to the



effect of such act on pending actions or proceedings" (No. 365), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Monroe, Int. No. 50, entitled "An act to amend the Code of Civil Procedure, in relation to exemptions and executions" (No. 50), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was recommitted the bill introduced by Mr. Stanley, Int. No. 388, entitled "An act to amend the Penal Code prohibiting the corrupt influencing of agents, employees or servants" (No. 540), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Phillips, from the committee on codes, to which was recommitted the bill introduced by Mr. Pendry, Int. No. 55, entitled "An act to amend the Code of Civil Procedure in relation to the Brooklyn Law School of St. Lawrence University" (No. 537), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Bedell, Int. No. 504, entitled "An act to amend the Code of Civil Procedure, in relation to claims rejected by personal representatives of decedents" (No. 553), reported the same with the following amendments, and request that said bill be recommitted to said committee.

Page 2, line 10, strike out the letter "n" in the word "decent's" making the word read "decedent's."

Same page, line 16, strike out the period at the end of line, and insert in place thereof a comma.

Same page, line 17, change the capital "S" in word "Such" at beginning of line to a small "s."

Same page, line 19, strike out the word "to" after the word "claims" and before the word "be."

JESSE S. PHILLIPS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted, and recommitted to said committee.

Mr. Phillips, from the committee on codes, to which was recommitted the bill introduced by Mr. Phillips, Int. No. 301, entitled "An act to amend chapter 8 of title 10 of the Penal Code, relative to the possession of lottery tickets" (No. 422), retaining its place on the order of second reading reported the same with the following amendments, and request that said bill be recommitted to said committee.

Page 1, line 6, after the word "receipt," and before the word "certificate" insert the word "writing."

Page 2, line 5, after the word "imprisonment" insert the words "And the possession, by any person other than a public officer, of any ticket, chance, share or interest, or any paper, receipt, writing, certificate, or instrument representing or purporting to be or to represent a ticket, chance, share, interest or drawing, right in, or dependent upon the event of, a lottery, whether such lottery is being drawn or conducted, or is to be drawn or conducted, within or without the state, is presumptive evidence of possession thereof knowingly and in violation of the provisions of section three hundred and twenty-six-a."

JESSE S. PHILLIPS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Standart, Int. No. 216, entitled "An act to amend chapter 345 of the Laws of 1892, entitled 'An act to further amend chapter 345 of the Laws of 1888,' in relation to the grade crossings in the city of Buffalo, and to give further powers to the grade crossing commission of said city" (No. 216), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 2, line 23, after the word "avenue" strike out the semicolon and insert a comma and the words "on Main and Amherst streets, and Jewett, Leroy, Dewey and Kensington avenues, and

also all grade crossings on Niagara street at International bridge, Amherst street where the Central, Erie, Delaware, Lackawanna and Western and Grand Trunk cross," underscored.

LOUIS BEDELL,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Reeve, Int. No. 467, entitled "An act to amend chapter 261 of the Laws of 1852, entitled 'An act to incorporate the New York College of Dental Surgery, changing its name, increasing the number of trustees, extending its powers to hold property, authorizing its consolidation with other institutions, relating to its by-laws and the conferring of degrees by such institution, and ratifying its consolidation with the New York Dental School' "(No. 497), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Lewis, from the committee on insurance, to which was referred the Senate bill introduced by Mr. Warnick, Rec. No. 10, entitled "An act to amend chapter 155 of the Laws of 1868, entitled 'An act to incorporate the Schoharie and Schenectady Counties Farmers' Mutual Fire Insurance Association,' and the several acts amendatory thereof, relating to insurance against loss by lightning, the kind of property insured, the officers of the corporation, the method of assessing and settling losses, and borrowing money to pay the same, and report of officers" (No. 81), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Platt, Int. No. 519, entitled "An act to amend chapter 785 of the Laws of 1895, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts,' relating to the highway fund" (No. 568), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Scovill, Int. No. 522, entitled "An act to amend chapter 264 of the Laws of 1838, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia' relative to the boundaries of said village" (No. 571), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Hastings, Int. No. 230, entitled "An act to legalize, and to provide for the payment of, bonds of union free school district No. 5 of the town of Cornwall, in the county of Orange, directed to be issued for the payment of the cost of erecting a new school-house in said district, and for the purchase of a new site for such school-house" (No. 230), reported in favor of the passage of the same, with the following amendment:

Page 2, line 26, after the word "immediately" insert the words "but shall not affect any action or proceeding pending in any court at the time it takes effect."

J. M. WAINWRIGHT.

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Cox, from the committee on claims, to which was referred the bill introduced by Mr. A. E. Smith, Int. No. 215, entitled "An act to provide for the payment of the claim of M. A. Diamond, executrix of the estate of John Diamond, deceased, for labor and materials furnished for grammar school No. 76, in the Nineteenth ward of the city of New York" (No. 215), reported in favor of the passage of the same, without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Cox, from the committee on claims, to which was referred the bill introduced by Mr. Patton, Int. No. 54, entitled "An act for the relief of persons, firms and corporations who rendered services and furnished labor or material which was used in constructing the State armory in the late village now city of Tonawanda, Erie county, N. Y." (No. 54), reported in favor of the



passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Cox, from the committee on claims, to which was referred the bill introduced by Mr. Hapeman, Int. No. 166, entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James R. Angel against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (No. 166), reported in favor of the passage of the same with the following amendment:

Page 2, line 17, beginning with the word "nor" strike out all down to and including the word "two" on line 23, and insert the words "shall be construed as passing upon the merits of the claim nor shall the fact of its passage be deemed or construed to have acknowledged or created any liability on the part of the State, nor as debarring the State from interposing any legal or equitable defense to the alleged claim or any part thereof except the statute of limitation."

ROBT. LYNN COX,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Cox, from the committee on claims, to which was referred the bill introduced by Mr. Hapeman, Int. No. 168, entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Gard, against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (No. 168), reported in favor of the passage of the same with the following amendment:

Page 2, line 15, beginning with the word "nor" strike out all down to and including the word "two" on line 22, and insert the words "shall be construed as passing upon the merits of this claim nor shall the fact of its passage be deemed or construed to have acknowledged or created any liability on the part of the State, nor as debarring the State from interposing any legal or equitable defense to the alleged claim or any part thereof except the statute of limitation."

ROBT. LYNN COX,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended, and placed on the order of second reading.



Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

“An act to amend the Stock Corporations Law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock.” (No. 92, Int. No. 92.)

“An act for the relief of the county of Yates relative to the collection of uncollected taxes therein of the years 1898, 1899, 1900, 1901, and 1902, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were assessed.” (No. 333, Int. No. 333.)

“An act to repeal chapter 439 of the Laws of 1876, entitled ‘An act relating to the expenses of judicial sales in the county of Kings,’ as amended by chapter 167 of the Laws of 1889.” (No. 611, Int. No. 40.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 210) entitled “An act to amend the Real Property Law relative to the postponement or subordination of liens upon real property” (Int. No. 210), reported the same with the following recommendations:

Insert a comma in title after the word “law.”

Page 1, line 3, insert a comma after the word “property.”

Same page, line 4, insert a comma after the word “laws” and strike out the words “so as.”

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 100) entitled “An act to amend the Tax Law in relation to the exemption of the property of certain pharmaceutical societies situated in cities of the first class” (Int. No. 100), reported the same with the following recommendations:

Page 1, line 4, after the word “laws” insert the words “as amended by chapter one hundred and ninety-nine of the laws of nineteen hundred and three.”

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Code of Civil Procedure relative to the cases in which an action in divorce may be maintained." (No. 236, Int. No. 236.)

"An act to release to Courtney C. Douglas the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York." (No. 506, Int. No. 80.)

"An act empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements." (No. 510, Int. No. 298.)

"An act to release to Ralph A. Dawson and his heirs and assigns the interest of the State in certain lands in the town of Southampton, Suffolk county, N. Y." (No. 508, Int. No. 176.)

"An act to release to Joseph S. Guthorn the right, title and interest of the people of the State of New York to certain real estate situate in the borough of Manhattan, city, county and State of New York." (No. 507, Int. No. 303.)

"An act to amend chapter 195 of the Laws of 1884, entitled 'An act to amend chapter 140 of the Laws of 1853, entitled "An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village," and the several acts amendatory thereof,' generally." (No. 328, Int. No. 146.)

The bill (No. 220) entitled "An act to amend the Village Law relative to crosswalks and sidewalks" (Int. No. 220), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Dowling	Leggett	Prentice	Stevens
Allen F E	Etzel	Lewis	Prince	Sullivan
Anderson	Everett	Maier	Reeve	Thompson G F
Bass	Fitzsimons	Mathews T F	Reilly	Thompson J N
Bedell	Foster	Matthews C R	Rigby	Thonet
Beihilf	Freidel	McKeown	Rogers	Tompkins
Bisland	Gardner	McManus	Salomon	Wade
Brady	Grady	Mead	Sammon	Wagner
Burnett	Grattan	Miller	Schoeneck	Wadsworth
Burzynski	Gurnett	Monroe	Scovill	Wainwright
Cadin	Hammond	Moreland	Shanahan	Wedemeyer
Caughlan	Hanford	Newton	Sheldon	West
Carrier	Hapeman	Ogden	Sherry	Wemple
Caughlan	Hastings	O'Neill	Shuttleworth	Whitney F G
Charles W B	Hooker	Parker	Slocum	Wiegand
Coon	Hooper	Pendry	Smith A P	Wilsnack
Coutant	Hubbs	Perham	Smith J E	Wolf
Cox	Kavanaugh	Phillips	Smith J T	Wood F C
Dale	Knapp	Plank	Standart	Yale
Donovan	La Fetra	Pratt	Stanley	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 383) entitled "An act to reappropriate money for the acquisition of additional land for the Creedmore rifle range, as provided by chapter 633 of the Laws of 1903, and making the same applicable for improvements to said rifle range" (Int. No. 344), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hooker	Patton	Smith J T
Allen J G	Cowan	Hooper	Pendry	Smith R H
Apgar	Cunningham	Hubbs	Perham	Stanley
Bass	Dale	Hurd	Phillips	Stevens
Bedell	Donovan	Knapp	Platt	Tenjust
Beebe	Ellis	La Rue	Pratt	Thompson G F
Beihilf	Evans	Lewis	Prince	Tompkins
Bird	Everett	Machacek	Quinn	Wade
Bisland	Fitzsimons	Malloy	Reeve	Wagner
Brooks	Foelker	Matthews C R	Rigby	Wainwright

Burnett	Foster	McKeown	Rogers	West
Burns	Francisco	Mead	Rosenstein	Wemple
Byrne	Fuller	Merritt	Salomon	Whitney G H
Cadin	Gates	Miller	Santee	Wiegand
Cahn	Grady	Moreland	Schoeneck	Wilson
Callahan	Gray	Murphy	Shanahan	Wolf
Caughlan	Gurnett	Newton	Sheldon	Wood F C
Charles E E	Hammond	Nugent	Shuttleworth	Wood F X
Cooke	Hapeman	Ogden	Smith A P	Yale
Coon	Hartman	Palmer	Smith A E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 382) entitled "An act to legalize the bonds of the village of Fonda, Montgomery county, N. Y., amounting to the sum of \$23,000, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds" (Int. No. 343), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 96

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hastings	Parker	Smith A E
Allen F E	Cox	Hooper	Pendry	Smith J T
Allen J G	Cunningham	Hubbs	Perham	Smith R H
Apgar	Dale	Hurd	Phillips	Stanley
Becker	Dodd	Knapp	Platt	Steele
Bedell	Donovan	La Rue	Pratt	Sullivan
Beebe	Ellis	Leggett	Prince	Thompson G F
Beihlf	Evans	Machacek	Quinn	Thompson J A
Bird	Fish	Malloy	Reilly	Tompkins
Brady	Foelker	Mathews T F	Rigby	Wade
Burnett	Francisco	Matthews C R	Rosenstein	Wadsworth
Burns	Fuller	McKeown	Salomon	Wedemeyer
Burzynski	Gates	McManus	Sammon	West
Cadin	Grattan	Merritt	Santee	Whitney F G
Cahn	Gray	Monroe	Schoeneck	Wiegand
Carrier	Hackett	Moreland	Shanahan	Wilson
Charles E E	Hammond	Newton	Sheldon	Wolf
Charles W B	Hapeman	Nugent	Shuttleworth	Wood F X
Cooke	Hartman	O'Neill	Slocum	Yale
Coon				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 91) entitled "An act to provide for the payment of fines, penalties or forfeitures imposed or collected for taking part in the game of policy" (Int. No. 91), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 82

NOES 21

Those who voted in the affirmative were:

Agnew	Cunningham	Hooper	Parker	Smith A P
Allen F E	Dodd	Hornidge	Patton	Smith J E
Allen J G	Evans	Hubbs	Pendry	Smith J T
Apgar	Fish	Hurd	Perry	Steele
Becker	Foelker	La Rue	Phillips	Stevens
Bedell	Foster	Lewis	Plank	Thonet
Beebe	Freidel	Maier	Platt	Tompkins
Beihlf	Fuller	Matthews C R	Pratt	Waddell
Bisland	Gardner	McKeown	Prentice	Wadsworth
Burnett	Gates	Mead	Reeve	West
Carrier	Grady	Merritt	Rigby	Whitney F G
Charles W B	Grattan	Monroe	Rogers	Whitney G H
Coon	Hammond	Murphy	Santee	Wilsnack
Cotton	Hanford	Newton	Scovill	Wood F C
Coutant	Hapeman	Ogden	Shuttleworth	Yale
Cowan	Hastings	O'Neill	Slocum	Young
Cox	Hooker			

Those who voted in the negative were:

Brooks	Gurnett	Machacek	Reilly	Wade
Burzynski	Hackett	McManus	Rosenstein	Wemple
Cahn	Knapp	Nugent	Sheldon	Wiegand
Cooke	La Fetra	Quinn	Tenjust	Wolf
Donovan				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 311) entitled "An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village" (Int. No. 311), was read the third time, having been



printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 107

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Machacek	Prentice	Sullivan
Allen J G	Donovan	Malloy	Reeve	Tenjost
Anderson	Ellis	Mathews T F	Reilly	Thompson G F
Apgar	Etzel	Matthews C R	Rigby	Thompson J A
Bass	Everett	McKeown	Rogers	Thonet
Becker	Fitzsimons	Mead	Salomon	Tompkins
Bedell	Foelker	Merritt	Sammon	Waddell
Beihilf	Francisco	Monroe	Santee	Wade
Bird	Fuller	Moreland	Schoeneck	Wadsworth
Bisland	Gates	Murphy	Scovill	Wainwright
Brooks	Grattan	Newton	Sheehy	Wedemeyer
Burnett	Gurnett	Ogden	Sheldon	West
Burzynski	Hammond	O'Neill	Sherry	Wemple
Byrne	Hanford	Palmer	Slocum	Whitney A G
Cahn	Hartman	Patton	Smith A P	Whitney G H
Carrier	Hooker	Perham	Smith A E	Wilsnack
Caughlan	Hooper	Perry	Smith J E	Wolf
Charles W B	Hubbs	Phillips	Smith R H	Wood F C
Cooke	Kavanaugh	Plank	Standart	Wood F X
Cotton	Knapp	Platt	Stanley	Yale
Coutant	La Fetra	Pratt	Stevens	Young
Cox	Leggett			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 126) entitled "An act to provide for the payment of office expenses and salaries of employees in the office of the State Superintendent of Elections for the metropolitan elections district" (Int. No. 126), having been announced for a third reading,

Mr. Ellis moved that said bill be recommitted to the committee on ways and means, with instructions to report the same forthwith amended as follows:

Page 1, line 4, after the words "deputy state superintendents of elections" add the words: "who shall be divided equally in number between the two parties casting the highest number of votes in said metropolitan elections district, the sum of twenty thousand dollars, or so much thereof as may be necessary."

At end of line 6, add the following: "The said deputy state superintendents of elections shall be selected under the rules and regulations of the state civil service commission."

Mr. Burnett moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Burnett moved that all further proceedings under the call of the House be suspended.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Ellis, and it was determined in the negative.

AYES 40

NOES 99

Those who voted in the affirmative were:

Anderson	Dale	Gurnett	McManus	Sheehy
Bird	Dodd	Hackett	Nugent	Smith A E
Burns	Donovan	Hornidge	Palmer	Smith R H
Burzynski	Ellis	Kavanaugh	Prince	Sullivan
Byrne	Everett	Machacek	Quinn	Thompson J A
Cahn	Fitzsimons	Malloy	Salomon	Tompkins
Caughlan	Fuller	Mathews T F	Sammon	Wagner
Cooke	Grady	McKeown	Shanahan	Wedemeyer

Those who voted in the negative were:

Agnew	Coutant	Hubbs	Perham	Stanley
Allen F E	Cowan	Hurd	Perry	Steele
Allen J G	Cox	Knapp	Phillips	Stevens
Apgar	Cunningham	La Rue	Plank	Thompson G F
Bass	Dowling	Leggett	Platt	Thonet
Becker	Evans	Lewis	Pratt	Waddell
Bedell	Foelker	Maier	Prentice	Wade
Beebe	Foster	Matthews C R	Reeve	Wadsworth
Beihlf	Freidel	Mead	Rigby	Wainwright
Bisland	Gardner	Merritt	Rogers	West
Brady	Gates	Miller	Santee	Wemple
Brooks	Grattan	Monroe	Schoeneck	Whitney F G
Burnett	Gray	Moreland	Scovill	Whitney G H
Cadin	Hammond	Murphy	Sheldon	Wilsnack
Callahan	Hanford	Newton	Shuttleworth	Wilson
Carrier	Hapeman	Ogden	Slocum	Wood F C
Charles E E	Haitman	O'Neill	Smith A P	Wood F X
Charles W B	Hastings	Parker	Smith J E	Yale
Coon	Hooker	Patton	Smith J T	Young
Cotton	Hooper	Pendry	Standart	

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 99  
NOES 40

Those who voted in the affirmative were:

Agnew	Coutant	Hubbs	Perham	Stanley
Allen F E	Cowan	Hurd	Perry	Steele
Allen J G	Cox	Knapp	Phillips	Stevens
Apgar	Cunningham	La Rue	Plank	Thompson G F
Bass	Dowling	Leggett	Platt	Thonet
Becker	Evans	Lewis	Pratt	Waddell
Bedell	Foelker	Maier	Prentice	Wade
Beebe	Foster	Matthews C R	Reeve	Wadsworth
Beihlf	Freidel	Mead	Rigby	Wainwright
Bisland	Gardner	Merritt	Rogers	West
Brady	Gates	Miller	Santee	Wemple
Brooks	Grattan	Monroe	Schoeneck	Whitney F G
Burnett	Gray	Moreland	Scovill	Whitney G H
Cadin	Hammond	Murphy	Sheldon	Wilson
Callahan	Hanford	Newton	Shuttleworth	Wilsnack
Carrier	Hapeman	Ogden	Slocum	Wood F C
Charles E E	Hartman	O'Neill	Smith A P	Wood F X
Charles W B	Hastings	Parker	Smith J E	Yale
Coon	Hooker	Patton	Smith J T	Young
Cotton	Hooper	Pendry	Standart	

Those who voted in the negative were:

Anderson	Dale	Gurnett	McManus	Sheehy
Bird	Dodd	Hackett	Nugent	Smith A E
Burns	Donovan	Hornidge	Palmer	Smith R H
Burzynski	Ellis	Kavanaugh	Prince	Sullivan
Byrne	Everett	Machacek	Quinn	Thompson J A
Cahn	Fitzsimons	Malloy	Salomon	Tompkins
Caughlan	Fuller	Mathews T F	Sammon	Wagner
Cooke	Grady	McKeown	Shanahan	Wedemeyer

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 117) entitled "An act to provide for the endowment of chapels and crematories" (Int. No. 117), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	McKeown	Reilly	Steele
Allen F E	Ellis	McManus	Rigby	Stevens
Apgar	Evans	Mead	Rogers	Sullivan
Anderson	Fish	Merritt	Rosenstein	Thompson G F
Bass	Foelker	Miller	Salomon	Thompson J A
Becker	Freidel	Monroe	Sammon	Thonet
Beebe	Gardner	Murphy	Santee	Tompkins
Beihlf	Grady	Nugent	Schoeneck	Waddell
Bisland	Gray	Ogden	Scovill	Wagner
Brady	Gurnett	O'Neill	Shanahan	Wainwright
Burnett	Hackett	Palmer	Sheehy	Wedemeyer
Burns	Hanford	Parker	Sheldon	Wemple
Burzynski	Hapeman	Patton	Sheehy	Whitney F G
Cadin	Hastings	Pendry	Shuttleworth	Whitney G H
Cahn	Hornidge	Perham	Slocum	Wiegand
Carrier	Hubbs	Perry	Smith A P	Wilsnack
Caughlan	Knapp	Plank	Smith A E	Wilson
Charles W B	La Rue	Platt	Smith J E	Wolf
Cotton	Leggett	Prentice	Smith J T	Wood F C
Coutant	Maier	Prince	Smith R H	Wood F X
Cox	Mathews T F	Quinn	Standart	Yale
Dale	Matthews C R	Reeve	Stanley	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 334) entitled "An act to amend chapter 206 of the Laws of 1902, entitled 'An act in relation to the removal of the remains of deceased soldiers from Potter's field and neglected or abandoned cemeteries to incorporated cemeteries which are properly cared for and to provide for a soldiers' plot in such cemeteries and to defray the expenses of obtaining plots and for the removals and reinterment of the remains of deceased soldiers and to provide for the annual care of soldiers' plots in cemeteries,' providing for the payment of certain expenses by the county" (Int. No. 334), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 94  
NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hubbs	Pendry	Standart
Allen F E	Cox	Kavanaugh	Perham	Steele
Anderson	Dale	Knapp	Perry	Sullivan
Bass	Dodd	La Rue	Phillips	Tenlost
Becker	Donovan	Lewis	Platt	Thompson J N
Beebe	Ellis	Machacek	Prentice	Thonet
Beihlf	Etzel	Malloy	Quinn	Waddell
Bisland	Everett	Mathews T F	Reilly	Wagner
Brady	Fitzsimons	Matthews C R	Rigby	Wainwright
Burnett	Foelker	McKeown	Rosenstein	Wedemeyer
Burns	Freidel	Mead	Sammon	Wemple
Byrne	Gardner	Merritt	Santee	Whitney G H
Cahn	Grady	Miller	Shanahan	Wilsnack
Callahan	Grattan	Moreland	Sheldon	Wolf
Caughlan	Gurnett	Murphy	Sherry	Wood F C
Charles E E	Hanford	Newton	Slocum	Wood F X
Charles W B	Hapeman	Ogden	Smith A E	Yale
Cooke	Hastings	O'Neill	Smith J E	Young
Coon	Hooper	Patton	Smith R H	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 324) entitled "An act to amend chapter 598 of the Laws of 1892, entitled, 'An act to provide for reporting the decisions of the inferior courts of record in the State of New York,' in relation to the allowance for assistance, clerk hire and office expenses in the miscellaneous reporter's department" (Int. No. 308), having been announced for a third reading,

On motion of Mr. Burnett, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The bill (No. 377) entitled "An act to amend the Railroad Law, in relation to approval of lease by stockholders" (Int. No. 338), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 94  
NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hornidge	Parker	Standart
Allen J G	Cunningham	Hurd	Patton	Steele
Anderson	Dodd	Knapp	Perham	Sullivan
Apgar	Donovan	La Rue	Phillips	Thompson G F
Bass	Ellis	Lewis	Plank	Thonet
Becker	Evans	Machacek	Prentice	Waddell
Beebe	Fish	Maier	Reeve	Wade
Beihilf	Foelker	Malloy	Rigby	Wadsworth
Bird	Foster	Mathews T F	Rogers	Wainwright
Brady	Francisco	Matthews C R	Salomon	Wedemeyer
Brooks	Fuller	McKeown	Sammon	West
Burns	Gardner	Mead	Santee	Wemple
Burzynski	Grady	Merritt	Seovill	Whitney G H
Cadin	Gray	Monroe	Shanahan	Wiegand
Callahan	Hackett	Moreland	Sheldon	Wilson
Carrier	Hanford	Newton	Sherry	Wood F C
Charles E E	Hartman	Ogden	Smith A P	Yale
Cooke	Hastings	O'Neill	Smith J E	Young
Cotton	Hooper	Palmer	Smith R H	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 141) entitled "An act authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains Hospital Association of White Plains" (Rec. No. 21), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage,

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 94  
NOES 00

Those who voted in the affirmative were:

Agnew	Etzel	Knapp	Perry	Steele
Allen J G	Everett	La Rue	Phillips	Stevens
Apgar	Fish	Leggett	Platt	Tenjust
Becker	Foelker	Lewis	Prentice	Thompson G F
Beebe	Foster	Machacek	Quinn	Thonet
Bird	Francisco	Maier	Reeve	Waddell
Brady	Fuller	Malloy	Rigby	Wagner
Burnett	Gardner	Mathews T F	Rosenstein	Wadsworth
Burzynski	Gates	Matthews C R	Salomon	Wedemeyer
Cadin	Grattan	McKeown	Sammon	West
Callahan	Gray	McManus	Santee	Whitney G H

Caughlan	Hackett	Merritt	Scovill	Whitney F G
Charles W B	Hanford	Miller	Sheldon	Wiegand
Coon	Hapeman	Moreland	Sherry	Wilson
Coutant	Hartman	Newton	Shuttleworth	Wolf
Cox	Hooker	Nugent	Smith A P	Wood F C
Dale	Hornidge	O'Neill	Smith A E	Yale
Donovan	Hubbs	Parker	Smith J T	Young
Ellis	Kavanaugh	Pendry	Standart	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 210) entitled "An act to amend the Real Property Law relative to the postponement or subordination of liens upon real property" (Int. No. 210), was read the second time.

On motion of Mr. Hammond, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 92) entitled "An act to amend the Stock Corporation Law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock" (Int. No. 92), was read the second time.

On motion of Mr. Pratt, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 435) entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' in relation to the payment of money collected by marshals" (Int. No. 414), having been announced for a second reading.

On motion of Mr. Prince, and by unanimous consent, said bill was ordered placed on the second reading calendar for Tuesday next.

The bill (No. 333) entitled "An act for the relief of the county of Yates, relative to the collection of uncollected taxes therein of the years 1898, 1899, 1900, 1901, and 1902, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were assessed" (Int. No. 333), was read the second time.

On motion of Mr. West, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 30) entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a system

of town roads " (Int. No. 30), having been announced for a second reading.

Mr. West moved to amend as follows:

Strike out all of line 24, on page 2, after the word "examination," and all of lines 25 and 26 on such page, and all of lines 1, 2, 3 and 4 on page 3, and insert in place thereof the following:

"An appointment to the office of a county superintendent of roads under this act shall be made after a non-competitive examination conducted as provided in rules of the state civil service commission. Such examination shall be upon questions prescribed by the state engineer and surveyor and shall be of such a nature as to show the knowledge of the person examined in respect to highway laws and the standard methods of construction, drainage and repair of roads and highways. No person examined shall be eligible to the office of superintendent of roads until the state civil service commission shall certify to the board of supervisors making the appointment that such person has passed such an examination."

Strike out the words "at same time" after the word "shall" on page 2.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered. That said bill be reprinted as amended, and restored to its place on the order of second reading.

The bill (No. 100) entitled "An act to amend the Tax Law, in relation to the exemption of the property of certain pharmaceutical societies situated in cities of the first class" (Int. No. 100), was read the second time.

On motion of Mr. Cotton, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 595) entitled "An act to provide for an enumeration of the inhabitants of this State, and making an appropriation therefor" (Int. No. 304), having been announced for a second reading.

Mr. Burnett moved to amend as follows:

Page 7, line 12, after the second word "by" strike out the word "small" and insert the word "senate."

Page 4, line 7, omit the words "(as the case may be)."

Page 7, line 12, after the second "by" strike out the word "streets" and insert the word "street."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted as amended, and restored to its place on the order of third reading.

The bill (No. 594) entitled "An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds" (Int. No. 339), having been announced for a second reading,

On motion of Mr. Bedell, said bill was laid aside and ordered stricken from the calendar.

By unanimous consent.

Mr. Bedell offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on internal affairs be discharged from the further consideration of Senate bill No. 268, entitled "An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds." (Rec. No. 24.)

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Bedell moved to amend said bill as follows:

Page 3, line 19, after the word "immediately" insert a comma and the words "but shall not affect any action or proceeding pending in any court at the time it takes effect."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill as amended was then read the second time.

On motion of Mr. Bedell, said bill was ordered reprinted and placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 77) entitled "An act to enable the Medical College Laboratory of the city of New York to convey and transfer its real and personal property" (Rec. No. 15), was read the second time.

On motion of Mr. Perham, said bill was placed on the order of third reading.

The Senate bill (No. 37) entitled "An act to legalize the acts of Edward S. More, a notary public" (Rec. No. 8), was read the second time.

On motion of Mr. Carrier, said bill was placed on the order of third reading.

The Senate bill (No. 313) entitled "An act to amend chapter 369 of the Laws of 1895, entitled 'An act creating a commissioner of jurors for each county of the State having a certain population,' and prescribing his duties; also providing in what manner jury lists shall be made up and notified in the courts of record in such counties, and how they may be exempted or excused and the length of service of such jurors, relative to exemptions of jurors from service during two succeeding years after service" (Rec. No. 29), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading.

On motion of Mr. Cox, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 94

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Pendry	Steele
Allen J G	Cunningham	La Rue	Perry	Stevens
Apgar	Dale	Leggett	Plank	Tenjost
Becker	Donovan	Lewis	Pratt	Thompson J A
Beebe	Ellis	Machacek	Prentice	Waddell
Beihilf	Evans	Maier	Prince	Wagner
Bird	Fitzsimons	Malloy	Reeve	Wadsworth
Brady	Foster	Mathews T F	Rigby	Wainwright



Brooks	Freidel	Matthews C R	Rosenstein	West
Burns	Fuller	McKeown	Sammon	Whitney F G
Byrne	Gates	Mead	Shoeneck	Wiegand
Burnett	Grady	Merritt	Shanahan	Wilsnack
Cahn	Hackett	Mouroe	Sheldon	Wilson
Callahan	Hammond	Moreland	Shuttleworth	Wolf
Caughlan	Hapeman	Newton	Smith A P	Wolf F C
Charles E E	Hastings	Nugent	Smith A E	Wood F X
Cooke	Hooker	Ogden	Smith R H	Yale
Cotton	Hooper	Palmer	Standart	Young
Coutant	Hubbs	Parker	Stanley	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That a joint committee consisting of three Senators and five members of Assembly be appointed by the President of the Senate and the Speaker of the Assembly, respectively, to take such action as may be deemed appropriate to mark the sense of loss to the nation and State occasioned by the death of the late Hon. James C. Carter, whose eminent service as a citizen and lawyer entitled him to the grateful regard of his fellow countrymen.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Fish offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 336, entitled "An act to amend section 4 of chapter 8 of the general laws in relation to punishment for contempt" (Int. No. 336), for the purpose of being engrossed.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate returned the bill (No. 327) entitled "An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the

proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems" (Int. No. 144), with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Burnett, the House adjourned.

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### FRIDAY, FEBRUARY 17, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the chair.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Burnett, the reading of the journal of yesterday was dispensed with and the same was approved.

The privileges of the floor were extended to Judge T. D. Sullivan of Hamilton county.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Election Law, relative to filling vacancies in nominations" (No. 164, Rec. No. 32), which was read the first time and referred to the committee on the judiciary.

"An act to amend chapter 342 of the Laws of 1902, entitled 'An act to make the office of supervisor in the county of Westchester a salaried office and to regulate the sessions of the board of supervisors, in said county,' relative to temporary loans" (No. 210, Rec. No. 33), which was read the first time and referred to the committee on internal affairs.

"An act to amend sections 1648 and 1649 of the New York city consolidation act of 1882, relative to the selection of grand jurors" (No. 115, Rec. No. 34), which was read the first time and referred to the committee on the judiciary.

"An act amending section 162 of the town law relating to auditing town accounts" (No. 328, Rec. No. 35), which was read the first time and referred to the committee on internal affairs.

"An act to amend section 20 of chapter 420 of the Laws of 1897, constituting chapter 51 of the general laws, in respect to the continuance of said partnership or business name " (No. 245, Rec. No. 36), which was read the first time and referred to the committee on the judiciary.

"An act to amend subdivision 1, of section 24, of chapter 112 of the Laws of 1896, the Liquor Tax Law, as amended by chapter 312 of the Laws of 1897, relating to places in which the traffic in liquor shall not be permitted " (No. 294, Rec. No. 37), which was read the first time and referred to the committee on excise.

"An act to amend the Penal Code, relative to the sale and possession of dangerous weapons " (No. 356, Rec. No. 38), which was read the first time and referred to the committee on codes.

"An act to provide for a county detective for the county of Rensselaer, and for his compensation and expenses " (No. 355, Rec. No. 39), which was read the first time and referred to the committee on internal affairs.

"An act to authorize the comptroller of the State of New York to hear and determine the application of Charles S. Latham for the cancellation of tax sales of subdivision 1 of lot No. 2 of Great Lot No. 4 of the Twenty-fourth Allotment of the patent of Kaya-derosseras, situated in the town of Corinth in the county of Saratoga " (No. 200, Rec. No. 40), which was read the first time and referred to the committee on the judiciary.

"An act to legalize the acts of Albert F. Forthmiller, a notary public " (No. 242, Rec. No. 41), which was read the first time and referred to the committee on the judiciary.

"An act to amend section 10 of the General Corporation Law (chapter 35 of the general laws) with respect to the limitation of powers of a corporation " (No. 15, Rec. No. 42), which was read the first time and referred to the committee on the judiciary.

"An act to amend the stock corporations law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock " (No. 34, Rec. No. 43), which was read the first time and referred to the committee on the judiciary.

"An act to amend the County Law, in relation to the power of the board of supervisors of any county to sell, assign, transfer or set over a judgment obtained in the Court of Claims by such county against the State of New York" (No. 327, Rec. No. 44), which was read the first time and referred to the committee on internal affairs.

"An act to change the name of 'The Thomas Asylum for Orphan and Destitute Indian Children,' to 'The Thomas Indian School'" (No. 255, Rec. No. 45), which was read the first time and referred to the committee on public institutions.

"An act to transfer control and jurisdiction over Fillmore avenue in the city of Buffalo, between the southerly line of Best street and the northerly line of Seneca street, from the park department to the common council and other proper departments of the city government" (No. 147, Rec. No. 46), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter 580 of the Laws of 1902 entitled, 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinance" (No. 284, Rec. No. 47), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Greater New York charter by exempting from levy and sale by virtue of an execution all pensions or annuities payable out of the public school teachers' retirement fund" (No. 282, Rec. No. 48), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter 173 of the Laws of 1895, entitled, 'An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie, relative to the office of the county auditor'" (No. 254, Rec. No. 49), which was read the first time and referred to the committee on internal affairs.

"An act to provide for the care, preservation and protection of the rock known as the 'Seneca Indian council rock,' in the town of Brighton, Monroe county, N. Y., and legalizing its existence

in its present location" (No. 162, Rec. No. 50), which was read the first time and referred to the committee on internal affairs.

"An act to amend section 1671 of the Code of Civil Procedure, relating to the filing and cancellation of notices of pendency of action" (No. 357, Rec. No. 51), which was read the first time and referred to the committee on codes.

"An act to amend section 1086 of the Code of Civil Procedure relative to excusing jurors" (No. 28, Rec. No. 52), which was read the first time and referred to the committee on codes.

"An act to legalize the bonds of the village of Fonda, Montgomery county, N. Y., amounting to the sum of \$23,000, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds" (No. 199, Rec. No. 53), which was read the first time and referred to the committee on affairs of villages.

Mr. Beebe introduced a bill entitled "An act to amend the County Law, relative to empowering supervisors to make arrests" (Int. No. 627), which was read the first time and referred to the committee on internal affairs.

Mr. Beihliff introduced a bill entitled "An act authorizing the board of estimate and apportionment of the city of New York to allow, and authorizing and directing the comptroller of the said city to pay, certain claims alleged to be due to certain dockmasters for services performed" (Int. No. 628), which was read the first time and referred to the committee on affairs of cities.

Mr. Cox introduced a bill entitled "An act to authorize the city of Buffalo to convey by quit-claim deed to the Delaware, Lackawanna and Western Railroad Company and the New York, Lackawanna and Western Railway Company a part of Liberty street in said city" (Int. No. 629), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Liquor Tax Law in relation to taxes upon the business of trafficking in liquors in hotels" (Int. No. 630), which was read the first time and referred to the committee on excise.



Mr. Cunningham introduced a bill entitled "An act to provide for the taxation for school purposes of the lands owned by the State and situate within the boundaries of union free school dsitricst No. 2 of the town of Wawarsing, Ulster county" (Int. No. 631), which was read the first time and referred to the committee on public education.

Mr. Francisco introduced a bill entitled "An act to amend the Code of Criminal Procedure, relative to the salaries of probation officers" (Int. No. 622), which was read the first time and referred to the committee on codes.

Mr. Fuller introduced a bill entitled "An act to amend the municipal court act of the city of New York, relative to the jurisdiction of such court" (Int. No. 633), which was read the first time and referred to the committee on the judiciary.

Mr. Lewis introduced a bill entitled "An act to amend article 1, section 52, of chapter 690 of the Laws of 1892, as amended by chapter 725 of the Laws of 1893, as amended by chapter 722 of the Laws of 1901, constituting chapter 38 of the general laws, and known as the Insurance Law" (Int. No. 634), which was read the first time and referred to the committee on insurance.

Also, a bill entitled "An act to amend the Insurance Law in relation to life and casualty insurance corporations upon the co-operative or assessment plan" (Int. No. 635), which was read the first time and referred to the committee on insurance.

Mr. C. R. Matthews introduced a bill entitled "An act to amend the Public Health Law, relative to violations of orders or regulations of local boards of health" (Int. No. 636), which was read the first time and referred to the committee on public health.

Also, a bill entitled "An act to amend the Tax Law, relative to the assessment of State lands in the Forest Preserve" (Int. No. 637), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. McKeown introduced a bill entitled "An act relating to taxation of mortgages upon real property" (Int. No. 638), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. McManus introduced a bill entitled "An act to amend the Greater New York charter relative to the removal of snow and ice from certain streets in the borough of Manhattan" (Int. No. 639), which was read the first time and referred to the committee on affairs of cities.

Mr. Monroe introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for trout in Tompkins county" (Int. No. 640), which was read the first time and referred to the committee on fisheries and game.

Mr. Moreland introduced a bill entitled "An act to amend the Revised Statutes relative to the parole of prisoners" (Int. No. 641), which was read the first time and referred to the committee on state prisons.

Also, a bill entitled "An act to amend section 687-a of the Penal Code relative to sentencing prisoners" (Int. No. 642), which was read the first time and referred to the committee on codes.

Mr. O'Neill introduced a bill entitled "An act to amend the charter of the Greater New York relative to the powers of city magistrates" (Int. No. 643), which was read the first time and referred to the committee on affairs of cities.

Mr. Plank introduced a bill entitled "An act to legalize and validate certain acts of the electors of the town of Oswegatchie, St. Lawrence county, N. Y., the town officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town" (Int. No. 644), which was read the first time and referred to the committee on internal affairs.

Mr. Rigby introduced a bill entitled "An act to provide for acquiring the Phillipse Manor House, in the city of Yonkers, Westchester county, with the land appertaining thereto, and making an appropriation therefor" (Int. No. 645), which was read the first time and referred to the committee on ways and means.

Mr. Schoeneck introduced a bill entitled "An act to amend the Military Code in relation to military parades on Dewey Day" (Int. No. 646), which was read the first time and referred to the committee on military affairs.

Mr. Wedemeyer introduced a bill entitled "An act to amend the Code of Civil Procedure relative to exemptions of jurors from service" (Int. No. 647), which was read the first time and referred to the committee on codes.

Mr. Young introduced a bill entitled "An act to fix the compensation of inspectors having supervision over the construction of public improvements in cities of the first and second class" (Int. No. 648), which was read the first time and referred to the committee on affairs of cities.

Mr. J. T. Smith introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Henry F. Muringham for damages alleged to have been sustained by him at the Hudson River State Hospital" (Int. No. 649), which was read the first time and referred to the committee on claims.

Mr. Fish introduced a bill entitled "An act to amend section 165 of the Agricultural Law, entitled 'An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws'" (Int. No. 650), which was read the first time and referred to the committee on agriculture.

Mr. Gates introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to beaver" (Int. No. 651), which was read the first time and referred to the committee on fish and game.

Mr. G. H. Whitney introduced a bill entitled "An act to amend the Penal Code and the Code of Criminal Procedure relative to false alarms of fire and unlawful interference with fire alarm telegraph systems, and the jurisdiction of courts of special sessions" (Int. No. 652), which was read the first time and referred to the committee on codes.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Lewis, Int. No. 173, en-

titled "An act to provide for the erection of a new armory building in the city of Oswego, N. Y., the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and buildings and the application of the proceeds to such new building, and for other purposes relative to the same" (No. 173), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Burnett, Int. No. 225, entitled "An act to appropriate money for the repair, improvement and enlargement of the State armory at Geneva, N. Y., and for the acquisition of additional land adjoining said armory" (No. 225), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

On motion of Mr. Burnett, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Burnett, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hurd	Pendry	Stevens
Allen F E	Cunningham	Kavanaugh	Perham	Tenjust
Anderson	Dodd	La Fetra	Perry	Thompson J A }
Apgar	Dowling	La Rue	Phillips	Thonet
Becker	Etsel	Leggett	Platt	Waddell
Bedell	Evans	Machacek	Prentice	Wade
Beebe	Everett	Maier	Quinn	Wadsworth
Bird	Foelker	Malloy	Reeve	Wainwright
Brady	Foster	Matthews C R	Reilly	West
Brooks	Freidel	McKeown	Rogers	Wemple
Burns	Gardner	McManus	Salomon	Whitney F G

Burzynski	Gates	Merritt	Santee	Whitney G H
Cadin	Grattan	Miller	Seovill	Wiegand
Cahn	Gurnett	Moreland	Sheehy	Wilsnack
Callahan	Hackett	Murphy	Sherry	Wilson
Caughlan	Hammond	Nugent	Shuttleworth	Wolf
Charles W B	Hapeman	Ogden	Slocum	Wood F C
Coon	Hartman	O'Neill	Smith A E	Wood F X
Coutant	Hooker	Palmer	Smith J T	Yale
Cowan	Hornidge	Patton	Standart	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed :

"An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof." (No. 608, Int. No. 287.)

"An act to amend chapter 188 of the Laws of 1862, entitled 'An act to incorporate the New York State Convention of Universalists,' relative to the transfers of real estate." (No. 607, Int. No. 209.)

"An act to amend the Liquor Tax Law, relative to publication of decisions of the courts." (No. 609, Int. No. 227.)

"An act to amend the Stock Corporation Law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock." (No. 92, Int. No. 92.)

"An act to repeal chapter 439 of the Laws of 1876, entitled 'An act relating to the expenses of judicial sales in the county of Kings,' as amended by chapter 167 of the Laws of 1889." (No. 611, Int. No. 40.)

"An act for the relief of the county of Yates, relative to the collection of uncollected taxes therein of the years 1898, 1899, 1900, 1901 and 1902, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were assessed." (No. 333, Int. No. 333.)



The bill (No. 54) entitled "An act for the relief of persons, firms and corporations who rendered services and furnished labor or material which was used in constructing the State armory in the late village now city of Tonawanda, Erie county, New York" (Int. No. 54), was read the second time.

On motion of Mr. Patton, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 215) entitled "An act to provide for the payment of the claim of M. A. Dimond, executrix of the estate of John Dimond, deceased, for labor and materials furnished for grammar school No. 76 in the Nineteenth ward of the city of New York" (Int. No. 215), was read the second time.

On motion of Mr. A. E. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 571) entitled "An act to amend chapter 264 of the Laws of 1838, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia' relative to the boundaries of said village" (Int. No. 522), was read the second time.

On motion of Mr. Scovill, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 568) entitled "An act to amend chapter 785 of the Laws 1895, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts,' relating to the highway fund" (Int. No. 519), was read the second time.

On motion of Mr. Platt, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 50) entitled "An act to amend the Code of Civil Procedure, in relation to exemptions and executions" (Int. No. 50), having been announced for a second reading,

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 365) entitled "An act to amend chapter 331 of the Laws of 1904, entitled 'An act to amend the Code of Civil Procedure, in relation to professional or registered nurses as wit-

nesses,' in relation to the effect of such act on pending actions or proceedings " (Int. No. 365), having been announced for a third reading,

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 451) entitled "An act to amend section 2881 of the Code of Civil Procedure, relative to serving summons upon telegraph companies" (Int. No. 422), was read the second time.

On motion of Mr. Cowan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 405) entitled "An act to amend chapter 231 of the Laws of 1895, entitled 'An act to establish a law library in the sixth judicial district to be called the Supreme Court Library at Elmira, and making an appropriation therefor,' relative to the salary of librarian" (Int. No. 405), was read the second time.

On motion of Mr. Moreland, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 497) entitled "An act to amend chapter 261 of the Laws of 1852, entitled, 'An act to incorporate the New York College of Dental Surgery,' changing its name, increasing the number of trustees, extending its powers to hold property, authorizing its consolidation with other institutions, relating to its by-laws and the conferring of degrees by such institution, and ratifying its consolidation with the New York Dental School" (Int. No. 467), was read the second time.

On motion of Mr. Reeve, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 540) entitled "An act to amend the Penal Code prohibiting the corrupt influencing of agents, employees or servants" (Int. No. 388), having been announced for a second reading,

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 537) entitled "An act to amend the Code of Civil Procedure in relation to the Brooklyn Law School of St. Lawrence University" (Int. No. 55), was read the second time.

On motion of Mr. Pendry, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 81) entitled "An act to amend chapter 155 of the Laws of 1868, entitled 'An act to incorporate the Schoharie and Schenectady Counties Farmers' Mutual Fire Insurance Association,' and the several acts amendatory thereof, relating to insurance against the loss by lightning, the kind of property insured, the officers of the corporation, the method of assessing and settling losses, and borrowing money to pay the same, and report of officers" (Rec. No. 10), was read the second time.

On motion of Mr. Palmer, said bill was placed on the order of third reading.

On motion of Mr. Palmer, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hurd	Phillips	Stanley
Allen F E	Dale	Kavanaugh	Platt	Steele
Allen J G	Dodd	Knapp	Pratt	Stevens
Anderson	Donovan	La Rue	Prentice	Tenjust
Apgar	Dowling	Lewis	Prince	Thompson G F
Bass	Ellis	Machacek	Quinn	Thompson J A
Becker	Evans	Malloy	Reeve	Tompkins
Beebe	Everett	Mathews T F	Rigby	Waddell
Beihilf	Fitzsimons	Matthews C R	Rogers	Wade
Bird	Foelker	McKeown	Rosenstein	Wadsworth
Brady	Foster	Mead	Sammon	Wainwright
Brooks	Freidel	Miller	Santee	Wedemeyer
Burnett	Gardner	Monroe	Schoeneck	Wemple
Burns	Gates	Murphy	Shanahan	Whitney F G
Byrne	Grattan	Newton	Sheehy	Whitney G H
Cahn	Gray	Nugent	Sheldon	Wiegand

Carrier	Hackett	Ogden	Sherry	Wilson
Caughlan	Hammond	O'Neill	Shuttleworth	Wolf
Charles W B	Hapeman	Palmer	Smith A P	Wood F C
Cooke	Hastings	Patton	Smith A E	Wood F X
Cotton	Hooker	Perham	Smith J T	Yale
Coutant	Hornidge	Perry	Smith R H	Young

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 211) entitled "An act giving the consent of the State of New York to the purchase, by the United States, of land in the county of Orange for the purpose of increasing the water supply upon the United States Military Reservation at West Point" (Rec. No. 19), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading.

On motion of Mr. Burnett, and by unanimous consent, said bill was read the third time, having been printed and on the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 117

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Kavanaugh	Perham	Standart
Allen F E	Dale	Knapp	Pratt	Steele
Allen J G	Donovan	La Fetra	Plank	Sullivan
Anderson	Dowling	Leggett	Platt	Tenjost
Bass	Ellis	Lewis	Pratt	Thompson J A
Becker	Etsel	Machacek	Prince	Tompkins
Bedell	Everett	Maier	Quinn	Waddell
Beebe	Fish	Malloy	Reilly	Wade
Bird	Foelker	Mathews T F	Rigby	Wagner
Brady	Foster	Matthews C R	Rosenstein	Wadsworth
Brooks	Freidel	McKeown	Salomon	Wainwright
Burnett	Fuller	McManus	Sammon	Wedemeyer
Burzynski	Gardner	Mead	Santee	West
Byrne	Grady	Miller	Schoeneck	Wemple
Cadin	Grattan	Monroe	Scovill	Whitney F G
Cahn	Gurnett	Moreland	Shanahan	Whitney G H
Callahan	Hackett	Murphy	Sheldon	Wilsnack

Carrier	Hanford	Nugent	Shuttleworth	Wilson
Charles E E	Hapeman	Ogden	Slocum	Wolf
Charles W B	Hartman	O'Neill	Smith A P	Wood F C
Cooke	Hooker	Palmer	Smith A E	Wood F X
Coon	Hooper	Patton	Smith J E	Yale
Coutant	Hubbs	Pendry	Smith R H	Young
Cox	Hurd			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 236) entitled "An act to amend the Code of Civil Procedure, relative to the cases in which an action in divorce may be maintained" (Int. No. 236), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	La Rue	Plank	Sullivan
Allen F E	Dale	Lewis	Platt	Thompson G F
Allen J G	Donovan	Leggett	Prentice	Thompson J A
Anderson	Dowling	Machacek	Quinn	Thonet
Apgar	Etzel	Maier	Reeve	Tompkins
Bass	Everett	Malloy	Rugby	Waddell
Becker	Fitzsimons	Mathews T F	Rogers	Wade
Beebe	Foelker	Matthews C R	Salcmon	Wadsworth
Beihlf	Francisco	McKeown	Sammon	Wainwright
Bird	Freidel	Mead	Santee	Wedemeyer
Brady	Gardner	Merritt	Scovill	West
Brooks	Grady	Monroe	Shanahan	Wemple
Burnett	Gray	Moreland	Sheldon	Whitney F G
Burzynski	Gurnett	Murphy	Shuttleworth	Whitney G H
Cadin	Hammond	Newton	Slocum	Wiegand
Cahn	Hapeman	Ogden	Smith A E	Wilsnack
Carrier	Hartman	O'Neill	Smith J E	Wilson
Caughlan	Hooker	Palmer	Smith J T	Wolf
Charles W B	Hooper	Patton	Standart	Wood F C
Cooke	Hornidge	Perham	Stanley	Wood F X
Coon	Hurd	Perry	Steele	Yale
Coutant	Kavanaugh	Phillips	Stevens	Young
Cowan	La Fetra			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.



The bill (No. 506) entitled "An act to release to Courtney C. Douglas, the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York" (Int. No. 80), having been announced for a third reading,

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

By unanimous consent,

Mr. Hooker offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on internal affairs be discharged from the further consideration of Senate bill No. 172, entitled "An act empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements" (Rec. No. 20).

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Hooker, and by unanimous consent, said bill was substituted for Assembly bill No. 510, Int. No. 298, same title and subject, now on the order of third reading.

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 107

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Knapp	Pendry	Smith J T
Allen F E	Dale	La Fetra	Perham	Smith R H
Allen J G	Donovan	Leggett	Perry	Standart
Anderson	Dowling	Lewis	Phillips	Stanley
Apgar	Etsel	Machacek	Platt	Stevens
Bass	Everett	Maier	Pratt	Tenjost
Becker	Fish	Malloy	Prince	Thompson G F
Bedell	Fitzsimons	Mathews T F	Quinn	Thompson J A
Beebe	Freidel	Matthews C R	Reeve	Tompkins
Beihilf	Fitzsimons	McKeown	Rigby	Wade
Bisland	Fuller	McManus	Rogers	Wagner

Brooks	Gates	Mead	Salomon	Wadsworth
Burnett	Grattan	Merritt	Sammon	Wainwright
Burzynski	Gray	Monroe	Santee	West
Byrne	Hackett	Moreland	Schoeneck	Wemple
Cahn	Hanford	Newton	Scovill	Wiegand
Carrier	Hartman	Nugent	Sheehy	Wilson
Charles E E	Hastings	Ogden	Sheldon	Wolf
Charles W B	Hooker	O'Neill	Shuttleworth	Wood F C
Coon	Hornidge	Palmer	Slocum	Yale
Cotton	Hubbs	Parker	Smith A E	Young
Cowan	Kavanaugh			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The bill (No. 510) entitled "An act empowering the board of supervisors of Westchester county to authorize the towns of such county to borrow money by the issue of bonds for the purpose of paying for highway improvements," (Int. No. 298), having been announced for a third reading,

On motion of Mr. Hooker, said bill was laid aside and ordered stricken from the calendar.

The bill (No. 508) entitled "An act to release to Ralph A. Dawson and his heirs and assigns the interest of the State in certain lands in the town of Southampton, Suffolk county, N. Y." (Int. No. 176), having been announced for a third reading.

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

The bill (No. 507) entitled "An act to release to Joseph S. Guthorn the right, title and interest of the people of the State of New York to certain real estate situate in the borough of Manhattan, city, county and State of New York" (Int. No. 303), having been announced for a third reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

The bill (No. 328) entitled "An act to amend chapter 195 of the Laws of 1884, entitled 'An act to amend chapter 140 of the Laws of 1853, entitled "An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds

and to enlarge the powers of the corporation of said village" and the several acts amendatory thereof, generally' " (Int. No. 140), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 108

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hurd	Plank	Steele
Allen F E	Dale	Knapp	Platt	Sullivan
Allen J G	Donovan	La Fetra	Pratt	Tenjost
Anderson	Dowling	La Rue	Prince	Thompson G F
Apgar	Etzel	Leggett	Quinn	Thompson J A
Bass	Evans	Machacek	Reeve	Tompkins
Bedell	Everett	Maier	Rigby	Wade
Beebe	Fitzsimons	Malloy	Rogers	Wagner
Bird	Foelker	Mathews T F	Salomon	Wadsworth
Bisland	Francisco	Matthews C R	Sammon	Wainwright
Burnett	Freidel	McKeown	Santee	Wedemeyer
Burns	Gardner	McManus	Scovill	Wemple
Byrne	Gates	Merritt	Shanahan	Whitney F G
Cadin	Grattan	Miller	Sheldon	Whitney G H
Callahan	Gurnett	Moreland	Shuttleworth	Wiegand
Carrier	Hackett	Murphy	Slocum	Wilsnack
Charles E E	Hanford	Nugent	Smith A E	Wilson
Charles W B	Hapeman	O'Neill	Smith J E	Wolf
Coon	Hartman	Palmer	Smith J T	Wood F C
Cotton	Hooker	Patton	Smith R H	Yale
Cowan	Hooper	Perham	Stanley	Young
Cunningham	Hornidge	Perry		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 77) entitled "An act to enable the Medical College Laboratory of the city of New York to convey and transfer its real and personal property" (Rec. No. 15), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooper	Parker	Smith R H
Allen J G	Cowan	Hornidge	Pendry	Standart
Anderson	Cox	Hubbs	Perham	Stanley
Apgar	Dale	Kavanaugh	Perry	Stevens
Bass	Dodd	Knapp	Plank	Thompson G F
Becker	Donovan	La Fetra	Platt	Thompson J A
Bedell	Ellis	La Rue	Prentice	Thonet
Beebe	Evans	Leggett	Prince	Tompkins
Beihliff	Everett	Lewis	Reeve	Wade
Bird	Fish	Machacek	Reilly	Wadsworth
Brady	Foelker	Maier	Rogers	Wedemeyer
Brooks	Foster	Malloy	Rosenstein	West
Burns	Freidel	Mathews T F	Sammon	Whitney F G
Burzynski	Fuller	Matthews C R	Schoeneck	Whitney G H
Byrne	Gates	McKeown	Shanahan	Wiegand
Cadin	Grady	McManus	Sheehy	Wilsnack
Cahn	Gray	Merritt	Sherry	Wilson
Carrier	Hackett	Monroe	Shuttleworth	Wolf
Charles E E	Hammond	Moreland	Slocum	Wood F C
Charles W B	Hanford	Newton	Smith A E	Wood F X
Cooke	Hartman	Ogden	Smith J E	Yale
Cotton	Hastings	O'Neill	Smith J T	Young

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 37) entitled "An act to legalize the acts of Edward S. More, a notary public" (Rec. No. 8), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hastings	Parker	Smith J T
Allen F E	Cotton	Hooker	Patton	Smith R H
Allen J G	Cowan	Hornidge	Perham	Standart
Anderson	Cox	Hurd	Perry	Steele

Apgar	Cunningham	Kavanaugh	Plank	Stevens
Bass	Dale	La Fetra	Platt	Tenjost
Becker	Donovan	La Rue	Pratt	Thompson G F
Bedell	Dowling	Lewis	Prentice	Thonet
Beebe	Etzel	Machacek	Prince	Tompkins
Beihliff	Evans	Maier	Reeve	Wade
Bird	Everett	Malloy	Reilly	Wagner
Bisland	Fitzsimons	Mathews T F	Rogers	Wainwright
Brady	Foelker	Matthews C R	Salomon	West
Brooks	Foster	McKeown	Sammon	Wemple
Burnett	Freidel	McManus	Schoeneck	Whitney G H
Burns	Fuller	Mead	Scovill	Wiegand
Burzynski	Gardner	Miller	Shanahan	Wilsnack
Byrne	Grady	Monroe	Sheldon	Wilson
Cahn	Grattan	Murphy	Sherry	Wood F C
Callahan	Gurnett	Newton	Slocum	Wood F X
Carrier	Hackett	Ogden	Smith A P	Yale
Charles E E	Hanford	O'Neill	Smith J E	Young
Cooke	Hapeman			

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of being engrossed, Assembly bill No. 336, entitled "An act to amend section 4 of chapter 8 of the general laws in relation to punishment for contempt" (Int. No. 336), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to amend the law creating the town of Green Island by providing for the distribution of the surplus funds of the town of Green Island." (No. 340, Int. No. 327.)

Ordered, That the Clerk deliver said bill to the Governor.

"An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplementary thereto, in relation to filling vacancies in office of mayor." (No. 446, Int. No. 206.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Buffalo.

On motion of Mr. Burnett, the House adjourned.



## MONDAY, FEBRUARY 20, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Edward P. Johnson.

On motion of Mr. Rogers, the reading of the journal of Friday, February 17, was dispensed with and the same was approved.

The privileges of the floor were extended to Hon. G. H. Smith, Hon. A. R. Smith and Hon. Mr. Darrison, former members.

Mr. Speaker presented the eighty-seventh annual report of the New York State Library, which was laid upon the table and ordered printed.

(See document.)

Mr. Speaker presented a concurrent resolution of the Assembly of the Territory of Arizona, which was read and referred to the committee on Federal resolutions.

Mr. Speaker presented resolutions of the New York City Bar Association, also of the Brooklyn Bar Association, in relation to the charges against Justice Warren B. Hooker, which were referred to the committee on the judiciary.

The Senate sent for concurrence the bill (No. 352) entitled "An act to amend chapter 264 of the Laws of 1838, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia' relative to the boundaries of said village" (Rec. No. 54), which was read the first time.

On motion of Mr. Scoville, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Scoville, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 116

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hurd	Pendry	Smith R H
Allen F E	Cunningham	Kavanaugh	Perham	Stanley
Anderson	Dale	Knapp	Perry	Steele
Apgar	Donovan	La Rue	Phillips	Sullivan
Bass	Dowling	Leggett	Platt	Tenjost
Bedell	Ellis	Machacek	Prentice	Thompson J A
Beebe	Evans	Maier	Prince	Thonet
Beihliff	Everett	Malloy	Quinn	Tompkins
Bird	Fitzsimons	Mathews T F	Reeve	Wade
Bisland	Foelker	Matthews C R	Rigby	Wagner
Brady	Francisco	McKeown	Rogers	Wadsworth
Burnett	Freidel	McManus	Rosenstein	Wainwright
Burns	Fuller	Mead	Salomon	West
Burzynski	Gardner	Merritt	Santee	Wemple
Byrne	Grady	Monroe	Schoeneck	Whitney F G
Cadin	Grattan	Moreland	Scovill	Whitney G F
Cahn	Gurnett	Murphy	Sheehy	Wiegand
Callahan	Hammond	Newton	Sheldon	Wilsnack
Caughlan	Hanford	Ogden	Shuttleworth	Wilson
Charles E E	Hapeman	O'Neill	Slocum	Wood F C
Charles W B	Hastings	Palmer	Smith A E	Wood F X
Coon	Hooper	Parker	Smith J E	Yale
Cotton	Hornidge	Patton	Smith J T	Young
Coutant				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Hartman introduced a bill entitled "An act to amend the Code of Civil Procedure, relative to contributory negligence in actions to recover damages for death caused by negligence" (Int. No. 653), which was read the first time and referred to the committee on codes.

Mr. Hooker introduced a bill entitled "An act to amend the County Law, relative to the powers of boards of supervisors" (Int. No. 654), which was read the first time and referred to the committee on internal affairs.

Mr. Hornidge introduced a bill entitled "An act to repeal section 619-a of the Penal Code, relating to the issuing and use of transfer tickets on street surface railroads" (Int. No. 655), which was read the first time and referred to the committee on codes.

Mr. J. A. Thompson introduced a bill entitled "An act to amend the Labor Law, in relation to the hours necessary to constitute

a day's work " (Int. No. 656), which was read the first time and referred to the committee on labor and industries.

Mr. Charles introduced a bill entitled "An act to amend the Code of Civil Procedure, in relation to advancements " (Int. No. 657), which was read the first time and referred to the committee on codes.

Mr. Plank introduced a bill entitled "An act to amend the Village Law, in relation to the payment of expenses of incorporation " (Int. No. 658), which was read the first time and referred to the committee on affairs of villages.

Mr. G. H. Whitney introduced a bill entitled "An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to the removal of garbage and refuse matter, and raising money therefor " (Int. No. 659), which was read the first time and referred to the committee on affairs of villages.

Also, a bill entitled "An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to ordinances pertaining to the fire alarm telegraph system " (Int. No. 660), which was read the first time and referred to the committee on affairs of villages.

Mr. O'Neill introduced a bill entitled "An act authorizing and directing the Comptroller to readjust and resettle the accounts of certain trust companies for taxes paid under section 187-a of the Tax Law for the years ending June 30, 1901 and 1902 " (Int. No. 661), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Dowling introduced a bill entitled "An act to amend the Municipal Law, relative to debts, bonds and taxes for pavement purposes " (Int. No. 662), which was read the first time and referred to the committee on affairs of cities.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

“An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds.” (No. 704, Rec. No. 24.)

“An act to amend chapter 231 of the Laws of 1895, entitled ‘An act to establish a law library in the sixth judicial district to be called the Supreme Court Library at Elmira, and making an appropriation therefor,’ relative to the salary of librarian.” (No. 405, Int. No. 405.)

“An act to provide for the payment of the claim of M. A. Dimond, executrix of the estate of John Dimond, deceased, for labor and materials furnished for Grammar School No. 76 in the Nineteenth ward of the city of New York.” (No. 215, Int. No. 215.)

“An act for the relief of persons, firms and corporations who rendered services and furnished labor or material which was used in constructing the State Armory in the late village now city of Tonawanda, Erie county, N. Y.” (No. 54, Int. No. 54.)

“An act to amend the Code of Civil Procedure in relation to the Brooklyn Law School of St. Lawrence University.” (No. 537, Int. No. 55.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 451) entitled “An act to amend section 2881 of the Code of Civil Procedure, relative to serving summons upon telegraph companies” (Int. No. 422), reported the same with the following recommendations:

Strike out the words “section twenty-eight hundred and eighty-one of” in first line of title.

Page 1, line 5, strike out the comma after the word “person.”

Page 2, line 3, insert a comma after the word “freight.”

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 568) entitled "An act to amend chapter 785 of the Laws of 1895, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Bath, in the county of Steuben, and to repeal certain acts and parts of acts,' relating to the highway fund" (Int. No. 519), reported the same with the following recommendations:

Strike out the words "the highway" in fifth line of title; also, strike out the word "fund" and insert the word "funds" in last line of title.

Page 2, line 14, insert a comma after the word "trustees."

Same page, line 15, insert a comma after the word "thereof."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 571) entitled "An act to amend chapter 264 of the Laws of 1838, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia,' relative to the boundaries of said village" (Int. No. 522), reported the same with the following recommendations:

Insert a period after the word "Columbia" in third line of title; also, strike out the words "relative to the boundaries of said village" in last line of title.

Page 1, line 7, insert a colon after the word "to-wit" and capitalize the word "beginning."

Page 2, line 2, after the word "crosses" insert the word "the."

Same page, line 4, insert commas after the words "creek" and "same."

Same page, line 6, insert a comma after the word "bridge."

Same page, line 7, capitalize the word "bridge," and insert quotation marks before the word "Howland's" and after the word "bridge."



Same page, line 9, after the word "Harder" insert a semicolon and the words "thence southwesterly and along the southerly side of the road leading from the house of said John N. Harder."

Same page, line 10, put words "Eikebush road" in quotations and capitalize word "road."

Same page, line 11, insert the word "said" after the second word "of."

Page 3, line 2, underscore the words "or southwesterly to the place of."

Same page, line 3, capitalize the first word "the" and the word "village;" insert quotation marks before the first word "the" and after the word "Kinderhook;" strike out the comma after the word "Kinderhook" and insert a semicolon.

Same page, line 4, strike out the comma after the word "afore-said."

Same page, line 6, capitalize the second word "the" and the words "trustees" and "village;" insert quotation marks before the second word "the."

Same page, line 7, insert quotation marks, strike out the comma and insert a semicolon after the word "Kinderhook."

Same page, line 8, insert a comma after the word "succession."

Same page, line 10, insert a comma after the word "defended."

Same page, line 12, underscore the word "corporate" and insert the word "corporation" in brackets after the word "corporate."

Page 3, line 14, after the word "conveying" insert the words "personal estate, and of holding and conveying" in brackets, and underscore the words "and personal" after the word "estate," in same line.

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to, and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Poor Law, relating to the relief of soldiers, sailors and their families." (No. 610, Int. No. 407.)

"An act to amend the Tax Law, in relation to the time of making assessment." (No. 629, Int. No. 241.)

"An act to amend the University Law, relating to the number of Regents necessary to constitute a quorum." (No. 630, Int. No. 495.)

"An act authorizing the treasurer of the city of Utica to appoint a bookkeeper." (No. 631, Int. No. 229.)

"An act to amend chapter 452 of the Laws of 1904, entitled 'An act to authorize the city of Utica to extend its system of drainage and to borrow money to pay for the same.'" (No. 634, Int. No. 170.)

"An act to amend the Code of Civil Procedure relative to the city court of the city of New York, and making other provisions in relation thereto." (No. 632, Int. No. 235.)

"An act to amend chapter 905 of the Laws of 1896, entitled 'An act to incorporate the city of Watervliet,' generally." (No. 306, Int. No. 289.)

"An act to appropriate money for the repair, improvement and enlargement of the State armory at Geneva, N. Y., and for the acquisition of additional land adjoining said armory." (No. 225, Int. No. 225.)

A message from the Governor, by the hand of his Secretary, was received and read, which was laid upon the table and ordered printed.

(See Appendix, No. 4.)

The bill (No. 638) entitled "An act to legalize the proceedings of the town board of the town of Granger, county of Allegany, and the proceedings and resolution of the board of supervisors of Allegany county, in respect to the issue of bonds by such town to pay certain indebtedness thereof" (Int. No. 465), was read the second time.

On motion of Mr. Phillips, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 540) entitled "An act to amend the Penal Code prohibiting the corrupt influencing of agents, employees or servants" (Int. No. 388), was read the second time.

On motion of Mr. Stanley, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 365) entitled "An act to amend chapter 331 of the Laws of 1904, entitled 'An act to amend the Code of Civil Procedure, in relation to professional or registered nurses as witnesses,' in relation to the effect of such act on pending actions or proceedings" (Int. No. 365), was read the second time.

On motion of Mr. Bedell, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 50) entitled "An act to amend the Code of Civil Procedure, in relation to exemptions and executions" (Int. No. 50), was read the second time.

On motion of Mr. Monroe, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 173) entitled "An act to provide for the erection of a new armory building in the city of Oswego, N. Y., the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and buildings and the application of the proceeds to such new building, and for other purposes relative to the same" (Int. No. 173), was read the second time.

On motion of Mr. Lewis, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 608) entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof" (Int. No. 287), having been announced for a third reading,

On motion of Mr. Burnett, said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 607) entitled "An act to amend chapter 188 of the Laws of 1862, entitled 'An act to incorporate the New York State Convention of Universalists,' relative to the transfers of real estate" (Int. No. 209), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooker	O'Neill	Smith J E
Allen F E	Cox	Hooper	Palmer	Smith J T
Allen J G	Cunningham	Hornidge	Parker	Standart
Anderson	Dale	Hubbs	Patton	Stanley
Apgar	Dodd	Kavanaugh	Pendry	Stevens
Bass	Dowling	Knapp	Perham	Tenjust
Becker	Ellis	La Rue	Perry	Thompson G F
Beebe	Evans	Leggett	Phillips	Thompson J A
Beihilf	Everett	Lewis	Plank	Thonet
Bird	Fish	Machacek	Pratt	Tompkins
Brady	Fitzsimons	Maier	Prentice	Waddell
Brooks	Foster	Malloy	Quinn	Wade
Burnett	Francisco	Mathews T F	Reeve	Wadsworth
Burns	Freidel	Matthews C R	Reilly	Wainwright
Byrne	Fuller	McKeown	Rogers	West
Cadin	Gardner	McManus	Rosenstein	Wemple
Cahn	Grady	Mead	Sammon	Whitney F G
Callahan	Grattan	Merritt	Schoeneck	Wiegand
Carrier	Gray	Miller	Scovill	Wilsnack
Coughlan	Gurnett	Monroe	Shanahan	Wolf
Charles E E	Hammond	Murphy	Sheldon	Wood F C
Charles W B	Hanford	Newton	Sherry	Yale
Coon	Hapeman	Nugent	Slocum	Young
Cotton	Hastings	Ogden	Smith A P	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 609) entitled "An act to amend the Liquor Tax Law, relative to publication of decisions of the courts" (Int. No. 227), having been announced for a third reading,

On motion of Mr. Rogers, said bill was recommitted to the committee on excise, retaining its place on the order of third reading.

The bill (No. 611) entitled "An act to repeal chapter 439 of the Laws of 1876, entitled 'An act relating to the expenses of judicial sales in the county of Kings,' as amended by chapter 167 of the Laws of 1889" (Int. No. 40), having been announced for a third reading,

Mr. Dowling moved that said bill be recommitted to the committee on the judiciary, with instructions to report the same forthwith amended as follows:

Section 2, line 6, strike out the word "immediately," and insert in place thereof the words "January first, nineteen hundred and six."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Fish, from the committee on the judiciary, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The bill (No. 333) entitled "An act for the relief of the county of Yates, relative to the collection of uncollected taxes therein of the years 1898, 1899, 1900, 1901, and 1902, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were assessed" (Int. No. 333), having been announced for a third reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The bill (No. 92) entitled "An act to amend the Stock Corporations Law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock" (Int. No. 92), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hubbs	Perham	Standart
Allen F E	Cox	Hurd	Perry	Stanley
Allen J G	Cunningham	Knapp	Phillips	Stevens
Anderson	Dodd	La Petra	Platt	Sullivan
Apgar	Dowling	Leggett	Pratt	Tenjost
Bass	Ellis	Lewis	Prentice	Thompson G F



Becker	Evans	Maier	Prince	Thompson J A
Bedell	Everett	Malloy	Reeve	Thonet
Beebe	Foelker	Mathews T F	Reilly	Tompkins
Bird	Foster	Mathews C R	Rogers	Wade
Bisland	Francisco	McKeown	Rosenstein	Wagner
Brady	Freidel	McManus	Sammon	Wadsworth
Burnett	Gardner	Merritt	Santee	Wainwright
Burns	Gates	Miller	Schoeneck	West
Burzynski	Grattan	Moreland	Shanahan	Wemple
Cadin	Gray	Murphy	Sheehy	Whitney G H
Cahn	Hackett	Newton	Sheldon	Wiegand
Carrier	Hammond	Ogden	Shuttleworth	Wilsnack
Caughlan	Hapeman	O'Neill	Slocum	Wolf
Charles W B	Hartman	Palmer	Smith A P	Wood F X
Cooke	Hooker	Patton	Smith A E	Yale
Cotton	Hornidge	Pendry	Smith J T	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 507) entitled "An act to release to Joseph S. Guthorn the right, title and interest of the people of the State of New York to certain real estate situate in the borough of Manhattan, city, county and State of New York" (Int. No. 303), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 118

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hackett	O'Neill	Smith A E
Allen F E	Coutant	Hanford	Palmer	Smith J T
Allen J G	Cowan	Hapeman	Patton	Smith R H
Anderson	Cox	Hartman	Pendry	Standart
Apgar	Cunningham	Hastings	Perham	Steele
Bass	Dale	Hooker	Phillips	Sullivan
Becker	Dodd	Hornidge	Plank	Tenjust
Bedell	Donovan	Hubbs	Pratt	Thompson G F
Beebe	Dowling	Kavanaugh	Prentice	Thompson J A
Beihliff	Etzel	La Fetra	Prince	Thonet
Bird	Evans	La Rue	Reeve	Waddell
Bisland	Everett	Leggett	Reilly	Wade
Brady	Fish	Machacek	Rigby	Wagner
Brooks	Fitzsimons	Maier	Rosenstein	Wadsworth
Burnett	Foelker	Malloy	Salomon	Wedemeyer
Burns	Foster	Mathews T F	Sammon	West
Burzynski	Francisco	McKeown	Santee	Whitney F G

Cadin	Freidel	McManus	Scovill	Wiegand
Cahn	Gardner	Mead	Shanahan	Wilsnack
Callahan	Gates	Miller	Sheehy	Wilson
Carrier	Grady	Monroe	Sherry	Wolf
Charles E E	Grattan	Murphy	Shuttleworth	Wood F X
Charles W B	Gray	Newton	Smith A P	Yale
Cooke	Gurnett	Nugent		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 506) entitled "An act to release to Courtney C. Douglas, the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York" (Int. No. 80), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 101

NOES 00

Those who voted in the affirmative were:

Agnew	Charles E E	Gurnett	Miller	Sherry
Allen F E	Charles W B	Hammond	Moreland	Slocum
Anderson	Cooke	Hanford	Murphy	Smith A E
Apgar	Coon	Hartman	Nugent	Smith R H
Bass	Cotton	Hastings	Ogden	Standart
Becker	Coutant	Hooper	Palmer	Steele
Beebe	Cox	Hornidge	Patton	Sullivan
Beihilf	Cunningham	Hubbs	Perham	Thompson G F
Bird	Dodd	Hurd	Perry	Tompkins
Bisland	Donovan	Knapp	Plank	Wade
Brady	Dowling	La Fetra	Pratt	Wadsworth
Brooks	Ellis	La Rue	Prentice	Wainwright
Burnett	Evans	Lewis	Quinn	West
Burns	Fish	Machacek	Reilly	Whitney F G
Burzynski	Fitzsimons	Maier	Rogers	Wiegand
Byrne	Foster	Mathews T F	Rosenstein	Wilson
Cadin	Freidel	Matthews C R	Sammon	Wolf
Cahn	Gardner	McKeown	Schoeneck	Wood F X
Callahan	Grady	Mead	Shanahan	Yale
Carrier	Grattan	Merritt	Sheldon	Young
Caughlan				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 508) entitled "An act to release to Ralph A. Dawson and his heirs and assigns the interest of the State in certain lands in the town of Southampton, Suffolk county, N. Y." (Int. No. 176), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, two-thirds of all the members elected to the Assembly voting in favor thereof.

AYES 121

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hastings	O'Neill	Slocum
Allen J G	Cotton	Hooker	Palmer	Smith A E
Anderson	Coutant	Hornidge	Parker	Smith R H
Bass	Cox	Hurd	Pendry	Stanley
Becker	Cunningham	Knapp	Perham	Stevens
Bedell	Donovan	La Rue	Perry	Tenjost
Beebe	Dowling	Lewis	Phillips	Thompson J A
Beihlf	Etzel	Machacek	Plank	Tompkins
Bisland	Everett	Maier	Platt	Waddell
Brooks	Fitzsimons	Malloy	Prentice	Wade
Burnett	Foelker	Mathews T F	Prince	Wagner
Burns	Francisco	Matthews C R	Reeve	Wainwright
Byrne	Freidel	McKeown	Rigby	Wedemeyer
Cahn	Gardner	Mead	Rosenstein	West
Callahan	Grady	Merritt	Sammon	Whitney F G
Carrier	Grattan	Monroe	Santee	Wiegand
Charles E E	Gurnett	Moreland	Scovill	Wilson
Charles W B	Hammond	Newton	Sheehy	Wolf
Cooke	Hapeman	Ogden	Sherry	Wood F X

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Sheldon moved to take from the table his resolution of February 13, relating to violations of the Public Health Law.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker then put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Palmer moved to take from the table his resolution of February 13, relating to the use of water of the Niagara river for power.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Wade moved to amend said resolution by striking out the second preamble.

Mr. Cox moved to amend as follows:

Strike out all after the word "Great Britain" and substitute certain words therefor, so that the resolution will read as follows:

Be it Resolved (if the Senate concur), That we memorialize the President and Congress of the United States, requesting that they by treaty or otherwise enter into negotiations with his Majesty's government of Great Britain looking to such joint control of the taking of waters from Niagara river for commercial purposes as may be necessary to protect and preserve Niagara Falls in all its "scenic majesty", but recognizing at the same time the possibility of, and necessity for, utilizing, under proper restrictions, a portion of the power now being utilized for "scenic majesty" exclusively.

Mr. Thompson moved that said resolution, with the pending amendments, be referred to the committee on federal relations.

Mr. Speaker put the question whether the House would agree to said motion of Mr. Thompson, and it was determined in the affirmative.

AYES 77

NOES 31

Those who voted in the affirmative were:

Agnew	Cowan	Knapp	Phillips	Smith J T
Allen F E	Cunningham	La Rue	Plank	Stanley
Allen J G	Dowling	Lewis	Platt	Steele
Bass	Etzel	Maier	Pratt	Stevens
Becker	Foelker	Mead	Prentice	Tenjest
Bedell	Foster	Merritt	Reeve	Thompson G F
Beihilf	Freidel	Miller	Rigby	Thonet
Bisland	Gardner	Moreland	Rogers	Wade
Brooks	Gates	Murphy	Santee	Wadsworth
Burnett	Hammond	O'Neill	Schoeneck	Whitney F G
Burzynski	Hanford	Parker	Scovill	Wilsnack
Cadin	Hapeman	Patton	Sheldon	Wilson
Callahan	Hartman	Pendry	Slocum	Wood F X
Carrier	Hastings	Perham	Smith A P	Yale
Charles E E	Hubbs	Perry	Smith J E	Young
Cotton	Hurd			

Those who voted in the negative were:

Bird	Fitzsimons	Mathews T F	Quinn	Smith A E
Burns	Gurnett	McKeown	Reilly	Smith R H

Cahn	Hackett	McManus	Rosenstein	Sullivan
Cooke	Hornidge	Nugent	Sammon	Thompson J A
Dale	Kavanaugh	Palmer	Shanahan	Wainwright
Donovan	Malloy	Prince	Sheehy	Wolf
Ellis				

Mr. Sullivan offered for the consideration of the House a resolution, in the words following:

Whereas, It is charged in the public press and by the merchants of the city of New York that the telephone service in said city is controlled by a monopoly, and the prices therefor are extortionate, and a comparison of telephone charges in said city with the rates in other cities tend to substantiate the same; therefore, be it

Resolved (if the Senate concur), That a committee consisting of three Senators, to be designated by the President of the Senate, and five Assemblymen, to be designated by the Speaker of the Assembly, be appointed, which committee shall have the power and authority to investigate all and singular into the facts pertaining to said alleged monopoly and extortionate charges and all matters relating thereto or connected therewith, and to report to the Senate and Assembly with all convenient speed the proceedings had and testimony taken by said committee, together with its opinion and such recommendations that such committee may make in the matter. The said committee be and is hereby given and granted all the power and authority given and granted to a committee of the Legislature, or of either House thereof, by the Legislative Law; may sit in such place or places within the State as it may deem necessary and proper for the convenience of witnesses or otherwise; may send for any and all corporations, persons and papers, compel the attendance of witnesses, take under oath oral testimony and receive written evidence, and may for that purpose employ such counsel, stenographer and such other assistance as it may deem necessary; that the Sergeant-at-Arms of the Senate shall attend said committee, serve such papers and perform such other duties as the committee may require.

Which was read and referred to the committee on ways and means.

Mr. Steele offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 327, entitled "An act to legalize and provide for



payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems" (Int. No. 144), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

A communication was received from Hon. George B. McClellan, mayor of the city of New York, returning Assembly bill No. 6, entitled "An act to amend the Greater New York charter relative to special revenue bonds" (Int. No. 6), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Thomas G. Nock, mayor of the city of Rome, returning Assembly bill No. 42, entitled "An act to amend section 110 of chapter 560 of the Laws of 1904, entitled 'An act to revise the charter of the city of Rome'" (Int. No. 42), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Thomas G. Noek, mayor of the city of Rome, returning Assembly bill No. 43, entitled "An act authorizing the city of Rome to issue bonds for the purpose of paying for extending and constructing street improvement" (Int. No. 43), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 327, entitled "An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems" (Int. No. 144), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

Mr. Ogden.—Mr. Speaker, in the city of Rochester on Friday last occurred the death of the Hon. Frederick Cook, for two successive terms Secretary of the State of New York. We of the city of Rochester knew of his many fine characteristics, of his broad humanity, of his large heartedness and of his liberality of treatment of all with whom he came in contact. The people of this State learned while he was in public office that he was a man of high character, of broad views, of sterling integrity. He has been identified with many of the large measures of this State, and is known as a man of the highest character and of the best citizenship. I now offer the following resolution:

Resolved, That this House do now adjourn in honor of the memory of the Hon. Frederick Cook, of Rochester, a former Secretary of State, whose death occurred on Friday, February 17, 1905.

Mr. Palmer.—Mr. Speaker, I would like, if the situation would permit and the hour was not so late, to say something upon seconding this resolution. I knew the distinguished gentleman for several years. What was said by the gentleman introducing the resolution is entirely true. Mr. Cook was a loyal citizen, a true man and a representative man; a man who represented the best side of American citizenship; a man who by industry placed himself in the front of the business industries in the State in

which he lived. I desire simply at this time to second the resolution that has been offered.

Mr. Rogers.—Supplementing what has been so well said by the other two gentlemen, I desire on behalf of the majority to second the resolution.

Mr. Speaker put the question whether the House would agree to said resolution, and it was adopted unanimously by a rising vote.

Whereupon the House adjourned.

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## TUESDAY, FEBRUARY 21, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Messrs. Fish and Young were excused until Monday, February 27.

The Senate sent for concurrence the following entitled bills:

“An act to authorize the city of Ogdensburg to borrow money for the purpose of erecting, repairing and furnishing school buildings in said city and to issue bonds therefor” (No. 290, Rec. No. 55), which was read the first time and referred to the committee on affairs of cities.

“An act to authorize the common council of the city of Mount Vernon to use moneys now in the deficiency fund of said city to pay deficiencies in the sum appropriated for the support of the fire department” (No. 265, Rec. No. 56), which was read the first time and referred to the committee on affairs of cities.

“An act to amend chapter 402 of the Laws of 1903, entitled ‘An act to repeal title 8 of chapter 182 of the Laws of 1892, entitled ‘An act to incorporate the city of Mount Vernon, and to insert therein a new title relating to the police department of said

city ” ” ” (No. 266, Rec. No. 57), which was read the first time and referred to the committee on affairs of cities.

“An act to amend chapter 394 of the Laws of 1904, entitled ‘An act to create and establish the office of commissioner of elections in the county of Erie and prescribing his duties,’ relating to the duties of the commissioner ” (No. 187, Rec. No. 58), which was read the first time and referred to the committee on the judiciary.

“An act to amend chapter 909 of the Laws of 1896, entitled ‘An act in relation to the elections, constituting chapter 6 of the general laws,’ and the several acts amendatory thereof and supplemental thereto, in relation to the office of commissioner of elections in the county of Erie ” (No. 188, Rec. No. 59), which was read the first time and referred to the committee on the judiciary.

“An act to further amend the charter of the Union Theological Seminary in the city of New York ” (No. 310, Rec. No. 60), which was read the first time and referred to the committee on charitable and religious societies.

“An act to amend the Greater New York charter in relation to actions to recover penalties for the violation of any law or ordinance ” (No. 283, Rec. No. 61), which was read the first time and referred to the committee on affairs of cities.

“An act to amend the Greater New York charter, relative to commitments to the State Reformatory for Women at Bedford ” (No. 257, Rec. No. 62), which was read the first time and referred to the committee on affairs of cities.

“An act to provide for the payment of the claim of the Eastern Bermudez Asphalt Paving Company against the city of New York for pavement and other work in connection therewith in the borough of Brooklyn ” (No. 326, Rec. No. 63), which was read the first time and referred to the committee on affairs of cities.

“An act to amend the Lien Law, in relation to contents of notice of lien ” (No. 377, Rec. No. 64), which was read the first time and referred to the committee on general laws.

“An act to amend section 29 of chapter 466 of the Laws of 1877, entitled ‘An act in relation to assignments of the estates •

of debtors for the benefit of creditors' " (No. 279, Rec. No. 65). which was read the first time and referred to the committee on general laws.

"An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls' in relation to the powers of said city to acquire a water works system " (No. 251, Rec. No. 66), which was read the first time and referred to the committee on affairs of cities.

"Concurrent resolution proposing amendment to section 2 of article 1 of the Constitution relating to trial by jury " (No. 43, Rec. No. 67), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Greater New York charter, as amended by chapter 466 of the Laws of 1901, and subsequent amendments thereto, relative to levying taxes and the collection thereof " (No. 329, Rec. No. 68), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter 513 of the Laws of 1904, entitled 'An act to authorize the board of assessors to determine the damages sustained by owners of real property on Twelfth avenue, between One Hundred and Twenty-ninth street and One Hundred and Thirty-fifth street, in the borough of Manhattan, city of New York, by reason of the construction of the Riverside drive viaduct in said Twelfth avenue,' extending the area for such damages " (No. 68, Rec. No. 69), which was read the first time and referred to the committee on affairs of cities.

"An act to amend section 301 of the charter of the Greater New York which was reenacted in section 301 of chapter 466 of the Laws of 1901, relative to the police department " (No. 197, Rec. No. 70), which was read the first time and referred to the committee on affairs of cities.

"An act to amend the Greater New York charter, relative to the department of docks and ferries " (No. 95, Rec. No. 71), which was read the first time and referred to the committee on affairs of cities.



"An act to amend the Penal Code prohibiting the corrupt influencing of agents, employees or servants" (No. 360, Rec. No. 72), which was read the first time and referred to the committee on codes.

"An act to legalize bonds of the village of Painted Post to be issued for the purpose contemplated by chapter 483 of the Laws of 1904 and to legalize all proceedings in relation thereto, including the appointment and proceedings of the board of river commissioners thereunder and the special election of the inhabitants of said village held thereunder on the 25th day of June, 1904" (No. 358, Rec. No. 73), which was read the first time and referred to the committee on affairs of villages.

"An act to provide for the appointment of an assistant district attorney in Fulton county" (No. 85, Rec. No. 74), which was read the first time and referred to the committee on internal affairs.

Mr. Bedell introduced a bill entitled "An act to amend the insurance law so as to permit mutual fire insurance companies or associations of other States to do business within this State; to regulate the business done by them; taxing the same, and to prohibit the insuring of property located in this State, except in authorized companies" (Int. No. 663), which was read the first time and referred to the committee on insurance.

Mr. Burnett introduced a bill entitled "An act to authorize the commissioners of the sinking fund of the city of New York to change a certain lease made by mayor, aldermen and commonalty of the city of New York, to the Hahnemann Hospital of the city of New York to a grant to the said the Hahnemann Hospital of the city of New York, and to authorize the sale and lease or mortgage of the property covered thereby, by the said the Hahnemann Hospital of the city of New York" (Int. No. 664), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York

and directing the Comptroller to make such assessments accordingly" (Int. No. 665), which was read the first time and referred to the committee on affairs of cities.

Mr. Freidel introduced a bill entitled "An act to amend section 727 of the Greater New York charter, relative to the power of the fire commissioner" (Int. No. 666), which was read the first time and referred to the committee on affairs of cities.

Mr. Fuller introduced a bill entitled "An act to legalize the acts of William H. Good, a commissioner of deeds" (Int. No. 667), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 507 of the Laws of 1903, entitled 'An act to abolish certain grade crossings of highways and railroads in the borough of Brooklyn in the city of New York and county of Kings, and providing for necessary changes in the grades of highways, streets and avenues, and of portions of the railroad and right of way of the New York, Brooklyn and Manhattan Beach Railway Company, leased to the Long Island Railroad Company, and of the Brooklyn Union Elevated Railroad Company, leased to the Brooklyn Heights Railroad Company, so as to abolish present and avoid future crossings at grade, and providing means for the payment for such alterations or changes as amended by chapter 603 of the Laws of 1904'" (Int. No. 668), which was read the first time and referred to the committee on railroads.

Mr. McManus introduced a bill entitled "An act to amend the Railroad Law in relation to protection against injury to persons and property by electric third rails" (Int. No. 669), which was read the first time and referred to the committee on railroads.

Mr. Miller introduced a bill entitled "An act to amend chapter 686 of the Laws of 1894, entitled 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' by exempting certain roads from certain of the provisions thereof" (Int. No. 670), which was read the first time and referred to the committee on internal affairs.

Mr. Moreland introduced a bill entitled "An act to amend the

Banking Law, in relation to withdrawal of free shares of cooperative savings and loan associations" (Int. No. 671), which was read the first time and referred to the committee on banks.

Also, a bill entitled "An act to amend the Banking Law, in relation to profits and losses of cooperative savings and loan associations" (Int. No. 672), which was read the first time and referred to the committee on banks.

Also, a bill entitled "An act to amend the Banking Law, in relation to publishing financial statement of cooperative savings and loan associations" (Int. No. 673), which was read the first time and referred to the committee on banks.

Also, a bill entitled "An act to amend the Banking Law in relation to capital and shares of cooperative savings and loan associations" (Int. No. 674), which was read the first time and referred to the committee on banks.

Mr. O'Neill introduced a bill entitled "An act to amend the Penal Code, relating to convict voting" (Int. No. 675), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend the Code of Criminal Procedure, relating to the powers and duties of probation officers" (Int. No. 676), which was read the first time and referred to the committee on codes.

Mr. Parker introduced a bill entitled "An act to amend the Membership Corporations Law, relating to taxation of lot owners by cemetery corporations" (Int. No. 677), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to legalize and confirm the proceedings of 'the board of education of the village of Salem,' and legal voters of union free school district No. 12 of the town of Salem, Washington county, relative to the levy of a tax payable in installments and the issuance and sale of certain school bonds of said district" (Int. No. 678), which was read the first time and referred to the committee on public education.

Mr. Patton introduced a bill entitled "An act to provide for the repair and improvement of existing mechanical and other structures and works on and connected with the canals of this

State" (Int. No. 679), which was read the first time and referred to the committee on ways and means.

Mr. Perham introduced a bill entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments, and sales therefor, or either, affecting property in the borough of Manhattan and city of New York belonging to the Hebrew Benevolent and Orphan Asylum Society and directing the comptroller to mark such assessments and sales accordingly" (Int. No. 680), which was read the first time and referred to the committee on affairs of cities.

Mr. Stanley introduced a bill entitled "An act to authorize a further appropriation for the maintenance of the American Museum of Natural History in the Central park of the city of New York" (Int. No. 681), which was read the first time and referred to the committee on affairs of cities.

Mr. Cox introduced a bill entitled "An act to amend the Code of Civil Procedure, in relation to the jurisdiction of the Court of Claims" (Int. No. 682), which was read the first time and referred to the committee on claims.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district." (No. 656, Int. No. 23.)

The bill (No. 262) entitled "An act to amend the Forest, Fish and Game Law, in relation to muskallonge" (Int. No. 262), having been announced for a third reading,

On motion of Mr. Foster, and by unanimous consent, said bill was ordered placed on the third reading calendar for Thursday next.

The bill (No. 634) entitled "An act to amend chapter 452 of the Laws of 1904, entitled 'An act to authorize the city of Utica to



extend its system of drainage and to borrow money to pay for the same' " (Int. No. 170), having been announced for a third reading.

On motion of Mr. Gates, said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 632) entitled "An act to amend the Code of Civil Procedure relative to the city court of the city of New York, and making other provisions in relation thereto" (Int. No. 235), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hanford	Pendry	Standart
Allen F E	Cox	Hartman	Perry	Stanley
Allen J G	Dale	Hooker	Perham	Steele
Apgar	Dodd	Hornidge	Phillips	Stevens
Bass	Donovan	Hubbs	Plank	Tenjest
Becker	Dowling	Kavanaugh	Platt	Thompson G F
Bedell	Ellis	La Fetra	Pratt	Tompkins
Beebe	Etzel	Leggett	Prentice	Waddell
Beihilf	Evans	Machacek	Prince	Wade
Bird	Everett	Malloy	Quinn	Wagner
Bisland	Fish	Mathews T F	Reilly	Wadsworth
Brady	Fitzsimons	Matthews C R	Rigby	Wainwright
Brooks	Foelker	McKeown	Rosenstein	West
Burnett	Foster	Mead	Salomon	Wemple
Burns	Francisco	Merritt	Sammon	Whitney F G
Byrne	Freidel	Miller	Rosenstein	Whitney G H
Cadin	Fuller	Monroe	Scovill	Wiegand
Cahn	Gardner	Moreland	Shanahan	Wilsnack
Callahan	Gates	Murphy	Sheehy	Wilson
Carrier	Grady	Newton	Sherry	Wolf
Charles E E	Grattan	Nugent	Slocum	Wood F C
Charles W B	Gray	Ogden	Smith A P	Wood F X
Cooke	Gurnett	Palmer	Smith J E	Yale
Coon	Hackett	Parker	Smith J T	Young
Cotton	Hammond	Patton		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 610) entitled "An act to amend the Poor Law, relating to the relief of soldiers, sailors and their families" (Int.



No. 407), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 95

NOES 00

Those who voted in the affirmative were:

Agnew	Charles W B	Hanford	O'Neill	Smith A P
Allen F E	Cotton	Hastings	Palmer	Smith J T
Anderson	Cowan	Hooper	Parker	Standart
Bass	Cunningham	Hubbs	Patton	Steele
Becker	Dale	Kavanaugh	Perham	Stevens
Beebe	Dodd	La Fetra	Phillips	Tenjost
Beihlf	Dowling	Leggett	Plank	Thompson G F
Bird	Ellis	Lewis	Pratt	Tompkins
Bisland	Everett	Machacek	Prince	Wade
Brady	Evans	Malloy	Reeve	Wainwright
Brooks	Everett	Mathews T F	Rigby	West
Burns	Fitzsimons	Mathews C R	Rogers	Wemple
Burzynski	Foster	McKeown	Rosenstein	Whitney F G
Byrne	Francisco	Mead	Sammon	Wiegand
Cadin	Fuller	Merritt	Schoeneck	Wilson
Cahn	Gardner	Moreland	Shanahan	Wolf
Carrier	Grady	Murphy	Sheldon	Wood F C
Caughlan	Grattan	Newton	Shuttleworth	Yale
Charles E E	Hackett	Ogden	Slocum	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 629) entitled "An act to amend the Tax Law, in relation to the time of making assessment" (Int. No. 241), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 95

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hastings	Palmer	Smith J T
Allen J G	Dale	Hooper	Patton	Smith R H
Anderson	Dodd	Hornidge	Perham	Stanley
Apgar	Donovan	Hurd	Phillips	Stevens
Bass	Dowling	Knapp	Plank	Sullivan
Becker	Etzel	La Rue	Pratt	Thompson J A
Bedell	Evans	Lewis	Prentice	Tompkins
Beihlf	Everett	Machacek	Quinn	Wade
Bisland	Fish	Maier	Reeve	Wagner
Brady	Foelker	Malloy	Reilly	Wainwright
Brooks	Francisco	Matthews C R	Rogers	Wedemeyer
Burns	Freidel	McKeown	Salomon	Wemple
Byrne	Gates	McManus	Santee	Whitney G H
Cahn	Grady	Merritt	Schoeneck	Wiegand
Carrier	Grattan	Monroe	Sheehy	Wilson
Caughlan	Gurnett	Moreland	Sheldon	Wolf
Charles W B	Hammond	Newton	Shuttleworth	Wood F C
Coon	Hanford	Nugent	Slocum	Wood F X
Coutant	Hapeman	O'Neill	Smith A E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 630) entitled "An act to amend the University Law, relating to the number of Regents necessary to constitute a quorum" (Int. No. 495), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 95

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooker	Palmer	Smith J T
Allen J G	Cox	Hooper	Parker	Standart
Apgar	Dale	Hubbs	Pendry	Stanley
Bass	Dodd	Hurd	Perry	Stevens
Becker	Donovan	Kavanaugh	Phillips	Sullivan
Bedell	Ellis	Knapp	Platt	Thompson G F
Beebe	Evans	La Rue	Pratt	Thonet
Beihlf	Everett	Lewis	Prince	Waddell
Bisland	Fish	Machacek	Reeve	Wagner
Brooks	Foster	Maier	Rigby	Wadsworth
Burns	Francisco	Mathews T F	Rogers	Wedemeyer

Burzynski	Fuller	Matthews C R	Salomon	West
Byrne	Gardner	McKeown	Santee	Whitney F G
Cadin	Gates	Mead	Scovill	Wiegand
Callahan	Grattan	Miller	Shanahan	Wilson
Caughlan	Gray	Monroe	Sheldon	Wolf
Charles W B	Hammond	Murphy	Shuttleworth	Wood F C
Coon	Hanford	Newton	Slocum	Yale
Cotton	Hartman	Ogden	Smith A E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 631) entitled "An act authorizing the treasurer of the city of Utica to appoint a bookkeeper" (Int. No. 229), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hooper	Pendry	Smith R H
Allen J G	Cowan	Hubbs	Phillips	Stanley
Apgar	Cox	Hurd	Plank	Steele
Bass	Dale	Kavanaugh	Pratt	Stevens
Becker	Donovan	Knapp	Prentice	Tenjust
Bedell	Dowling	La Fetra	Prince	Thompson G F
Beebe	Etzel	Leggett	Quinn	Thonet
Beihlf	Everett	Lewis	Reilly	Waddell
Bird	Fitzsimons	Maier	Rogers	Wagner
Brady	Foster	Mathews T F	Salomon	Wadsworth
Brooks	Francisco	Matthews C R	Sammon	Wedemeyer
Burnett	Fuller	McKeown	Santee	Wemple
Burns	Gates	McManus	Schoeneck	Whitney F G
Burzynski	Grady	Mead	Shanahan	Wiegand
Cahn	Gurnett	Miller	Sheldon	Wilsnack
Callahan	Hackett	Moreland	Sherry	Wolf
Carrier	Hanford	Newton	Shuttleworth	Wood F C
Caughlan	Hapeman	Ogden	Smith A P	Wood F X
Charles W B	Hartman	O'Neill	Smith A E	Yale
Cooke	Hastings	Parker	Smith J E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 435) entitled "An act to amend chapter 580 of the laws of 1902, entitled 'An act in relation to the municipal

court of the city of New York, its officers and marshals,' in relation to the payment of money collected by marshals" (Int. No. 414), was read the second time.

On motion of Mr. Prince, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 694) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Gard, against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (Int. No. 168), was read the second time.

On motion of Mr. Hapeman, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 693) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James R. Angel against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (Int. No. 166), was read the second time.

On motion of Mr. Hapeman, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 692) entitled "An act to legalize and confirm the official acts of various notaries public and commissioners of deeds, done and performed in the State of New York after the expiration of the several and respective terms of office, after change of residence or after their failure to take and file their respective oaths of office or otherwise qualify according to law, between the 24th day of March, 1904, and the passage of this act" (Int. No. 142), was read the second time.

On motion of Mr. Fish, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 691) entitled "An act to legalize, and to provide for the payment of bonds of union free school district No. 5 of the town of Cornwall, in the county of Orange, directed to be issued for the payment of the cost of erecting a new schoolhouse

in said district, and for the purchase of a new site for such schoolhouse " (Int. No. 230), was read the second time.

On motion of Mr. Hastings, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 706) entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads" (Int. No. 30), having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was ordered placed on the second reading calendar for Wednesday next.

Mr. Steele offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 191, entitled "An act to legalize the official acts of Benjamin E. Western, a justice of the peace of the town of Norway, county of Herkimer" (Int. No. 191), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to amend chapter 671 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to salary of clerk of said city." (No. 4, Int. No. 4.)

"An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line." (No. 3, Int. No. 3.)



Ordered, That the Clerk transmit certified copies thereof to the mayor of the city of Cohoes.

"An act to amend chapter 17 of the Laws of 1903, entitled 'An act to authorize the city of Jamestown to acquire and maintain a water supply system,' in relation to the compensation which may be paid to the treasurer of the city of Jamestown for his services in receiving water rents." (No. 27, Int. No. 27.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Jamestown.

The Senate returned the bill (No. 545) entitled "An act to legalize, ratify and confirm the elections held, by the voters of union free school district No. 7 of the town of Granville, Washington county, N. Y., on the 5th and 26th days of June, 1903, for the purpose of raising money by the levy of taxes to pay for the purchase of a site and erecting a school building in and for said district, to legalize, ratify and confirm the tax levies made and ordered to be made under and pursuant to said elections; to legalize, ratify and confirm the proceedings of the board of education of said district in the issuance of two series of bonds, in the aggregate amount of \$29,000, under authority of said elections and proceedings and to legalize and validate said two series of bonds" (Int. No. 106), with a message that they have reconsidered their vote by which said bill was passed and, as amended, have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to amend chapter 975 of the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town." (No. 145, Int. No. 2.)

"An act to amend chapter 30 of the Laws of 1904, entitled 'An act providing for the planting of shade trees in the village of

Kenmore, county of Erie,' by authorizing a petition of property holders on a portion of a street." (No. 197, Int. No. 197.)

Ordered, That the Clerk deliver said bills to the Governor.

A communication was received from Hon. Chas. H. Gaus, mayor of the city of Albany, returning Assembly bill No. 157, entitled "An act in relation to an additional water supply for the city of Albany" (Int. No. 157), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 191, entitled "An act to legalize the official acts of Benjamin E. Western, a justice of the peace of the town of Norway, county of Herkimer" (Int. No. 191), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

Mr. Rigby offered for the consideration of the House a resolution, in the words following:

Resolved, That when the House adjourn it adjourn out of respect to the memory of the Hon. Norton P. Otis, Member of Congress and a former member of this Assembly, who departed this life on the 19th day of February, 1905.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

On motion of Mr. Rogers, the House adjourned.

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### WEDNESDAY, FEBRUARY 22, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. C. Youmans.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Greater New York charter, relative to

the powers of the board of estimate and apportionment" (No. 209, Rec. No. 75), which was read the first time and referred to the committee on affairs of cities.

"An act to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of purchasing sites and erecting buildings for the use of the fire and police departments and to provide a sinking fund to pay principal and interest of said bonds" (No. 264, Rec. No. 76), which was read the first time and referred to the committee on affairs of cities.

"An act to provide for an enumeration of the inhabitants of this State, and making an appropriation therefor" (No. 325, Rec. No. 77), which was read the first time and referred to the committee on ways and means.

Mr. Callaban introduced a bill entitled "An act to amend chapter 14 of the Laws of 1880 entitled 'An act to further amend chapter 143 of the Laws of 1861 entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, and to consolidate therewith the several acts in relation to the charter of said city," relating to ordinances'" (Int. No. 683), which was read the first time and referred to the committee on affairs of cities.

Mr. Cox introduced a bill entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the police force'" (Int. No. 684), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act providing for the use of park lands in the city of Buffalo, for a pumping station in connection with the public waterworks in said city" (Int. No. 685), which was read the first time and referred to the committee on affairs of cities.

Mr. Francisco introduced a bill entitled "An act to provide for the reconstruction of sewers in the city of New York where the present sewers are inadequate and to provide means for the payment of such reconstruction by sale of corporate stock of the city

of New York " (Int. No. 686), which was read the first time and referred to the committee on affairs of cities.

Mr. Freidel introduced a bill entitled "An act to amend chapter 642 of the Laws of 1892, entitled 'An act increasing the number of surrogates in the surrogate's court for the city and county of New York, and prescribing their powers and duties,' in relation to the salaries and payment of the same of recording clerks" (Int. No. 687), which was read the first time and referred to the committee on the judiciary.

Mr. Gray introduced a bill entitled "An act to amend the Town Law, in relation to shade trees and the appointment of a tree warden" (Int. No. 688), which was read the first time and referred to the committee on internal affairs.

Mr. Hornidge introduced a bill entitled "An act to amend chapter 35 of the general laws of the State of New York known as the General Corporations Law and to prevent fraud and misconduct on the part of officers of corporations" (Int. No. 689), which was read the first time and referred to the committee on insurance.

Mr. Knapp introduced a bill entitled "An act to amend the Penal Code, relative to indictments for second offenses" (Int. No. 690), which was read the first time and referred to the committee on codes.

Mr. Maier introduced a bill entitled "An act to provide for removing obstructions from the Seneca river in the village of Seneca Falls, and making an appropriation therefor" (Int. No. 691), which was read the first time and referred to the committee on ways and means.

Mr. Monroe introduced a bill entitled "An act to amend chapter 115 of the Laws of 1898, entitled 'An act to provide for the improvement of public highways,' in relation to the expense of construction" (Int. No. 692), which was read the first time and referred to the committee on internal affairs.

Mr. Ogden introduced a bill entitled "An act to amend chapter 182 of the Laws of 1898, entitled 'An act for the government of cities of the second class,' in relation to the jurisdiction of the

police court and police justice" (Int. No. 693), which was read the first time and referred to the committee on affairs of cities.

Mr. Platt introduced a bill entitled "An act to revise the charter of the city of Corning" (Int. No. 694), which was read the first time and referred to the committee on affairs of cities.

Mr. Prentice introduced a bill entitled "An act relating to corporations engaged in examining and insuring or guaranteeing titles to real estate" (Int. No. 695), which was read the first time and referred to the committee on general laws.

Mr. R. H. Smith introduced a bill entitled "An act authorizing the police commissioner of the city of New York to reinstate James J. Doherty a former member of the police department of such city" (Int. No. 696), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Code of Civil Procedure relative to the allowance of costs to plaintiff" (Int. No. 697), which was read the first time and referred to the committee on codes.

Mr. Stevens introduced a bill entitled "An act to amend chapter 371 of the Laws of 1896, entitled 'An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this State,' in relation to auction sales" (Int. No. 698), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to repeal chapter 389 of the Laws of 1903 and chapter 629 of the Laws of 1904, relating to the municipal improvements commission of the city of Troy" (Int. No. 699), which was read the first time and referred to the committee on affairs of cities.

Mr. G. F. Thompson introduced a bill entitled "An act to amend the Code of Civil Procedure in relation to jurisdiction of justices of the peace" (Int. No. 700), which was read the first time and referred to the committee on codes.

Also a bill entitled "An act to amend section 3347 of the Code of Civil Procedure, by adding thereto a new subdivision, to be known as subdivision 15, in relation to the meaning of the term



justice of the peace as used in sections 948, 949, 950 and 951 of said code " (Int. No. 701), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend section 3228 of the Code of Civil Procedure, in relation to awarding of costs" (Int. No. 702), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend the Code of Civil Procedure relative to the power and jurisdiction of justices of the peace in certain instances" (Int. No. 703), which was read the first time and referred to the committee on codes.

Mr. Wainwright introduced a bill entitled "An act to provide for the publication by the board of supervisors of Westchester county of certain official notices in said county, and repealing chapter 206 of the Laws of 1904 " (Int. No. 704), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to provide for the publication by the county clerk of Westchester county of certain official notices, repealing chapter 207 of the Laws of 1904 " (Int. No. 705), which was read the first time and referred to the committee on internal affairs.

Mr. Wemple introduced a bill entitled "An act to provide for the licensing of engineers and firemen operating a steam stationary engine or engines steam stationary, boiler or boilers in the State of New York, excepting cities of the first class " (Int. No. 706), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to terminate the existence of the fire department of the second school district of the town of Glenville, Schenectady county, N. Y., and to transfer the property thereof to the village of Scotia, N. Y., and to afford fire protection for the said school district by the fire department of said village of Scotia, N. Y., and to compensate said village for the same " (Int. No. 707), which was read the first time and referred to the committee on affairs of villages.

Mr. Anderson introduced a bill entitled "An act to regulate the fares of foot passengers on the ferry operated between Ninety-second street, New York, and Astoria, Long Island City" (Int. No. 708), which was read the first time and referred to the committee on commerce and navigation.

Mr. Agnew introduced a bill entitled "An act to incorporate the trustees of the Eastern Star Hall and Home of the State of New York, and their successors, under the corporate name of the Trustees of the Eastern Star Hall and Home of the State of New York" (Int. No. 709), which was read the first time and referred to the committee on charitable and religious societies.

Mr. Burzynski introduced a bill entitled "An act to amend the Code of Civil Procedure, relative to the disqualification of justices of the peace who are tavern or innkeepers or who reside or board upon the premises where such is conducted" (Int. No. 710), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to authorize attorneys and counselors at law to administer oaths and take acknowledgments" (Int. No. 711), which was read the first time and referred to the committee on general laws.

Mr. Caln introduced a bill entitled "An act to amend the Code of Civil Procedure, with reference to costs" (Int. No. 712), which was read the first time and referred to the committee on codes.

Mr. Hartman introduced a bill entitled "An act to amend the Greater New York charter so as to enable the city of New York to acquire, maintain, develop, operate, use and dispose of any property deemed necessary for the public use" (Int. No. 713), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to equalize the salaries of the attendants and messengers of the surrogates' court in the county of New York with the salaries of the attendants of the Supreme Court in the first judicial district and the appellate division thereof in the first department" (Int. No. 714), which was read the first time and referred to the committee on the judiciary.

Mr. Hornidge introduced a bill entitled "An act to amend sections 887 and 892 of the Code of Criminal Procedure" (Int. No. 715), which was read the first time and referred to the committee on codes.

Mr. Reilly introduced a bill entitled "An act requiring the removal of obstructions from State street, in the borough of Brooklyn, and from the East river adjacent thereto" (Int. No. 716), which was read the first time and referred to the committee on commerce and navigation.

Mr. Rigby introduced a bill entitled "An act compelling steamboat corporations to provide transfer facilities for passengers" (Int. No. 717), which was read the first time and referred to the committee on commerce and navigation.

Mr. Wade introduced a bill entitled "An act to amend chapter 117 of the Laws of 1888, entitled 'An act to incorporate Post James M. Brown Memorial Hall Association, and to create a trust for the disposition of its funds and property,' relative to the name of such corporation and the use and final disposition of its funds" (Int. No. 718), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to amend the Tax Law, in relation to costs in certiorari proceedings" (Int. No. 719), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. G. H. Whitney introduced a bill entitled "An act to amend chapter 220 of the Laws of 1866, entitled 'An act to amend the charter of the village of Saratoga Springs, and the several acts amendatory thereof' and to terminate the terms of office of the present fire commissioners of said village, and to concentrate the functions heretofore exercised by said fire commissioners, in a single commissioner and to define his powers, duties and liabilities" (Int. No. 720), which was read the first time and referred to the committee on affairs of villages.

Mr. Evans introduced a bill entitled "An act making appropriations for the Rome State Custodial Asylum at Rome, N. Y."

(Int. No. 721), which was read the first time and referred to the committee on ways and means.

Mr. Standart introduced a bill entitled "An act providing for the submission to the electors of the city of Buffalo of the question whether said city shall own and operate an electric lighting and power plant, and also, in the event of an affirmative vote, providing for the creation of a commission for the issue of bonds to procure and equip said plant" (Int. No. 722), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. O'Neill introduced a bill entitled "An act to create a State Board of Water Control with authority to determine as to the necessity of any sources of water supply for public purposes, and to provide for the acquisition of the same, and any real estate, or water, and any rights in connection therewith, and for an equitable allotment of the supply amongst the various communities of the State" (Int. No. 723), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Sheldon introduced a bill entitled "An act to amend section 19 of the County Law, relating to the designation of newspapers to publish Session Laws" (Int. No. 724), which was read the first time and referred to the committee on general laws.

Mr. Hooker, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. McEwan, Rec. No. 25, entitled "An act to amend an act entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the salary of the under sheriff, the residence of the jailor and the furnishing of the offices of the sheriff and jailor" (No. 86), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which

was referred the Senate bill introduced by Mr. Carpenter, Rec. No. 33, entitled "An act to amend chapter 342 of the Laws of 1902, entitled 'An act to make the office of supervisor in the county of Westchester a salaried office and to regulate the sessions of the board of supervisors, in said county,' relative to temporary loans" (No. 210), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Hapeman, Int. No. 510, entitled "An act to provide for clearing out the obstructions from the outlet of Parker's pond in the town of Cato, county of Cayuga, and for paying the cost thereof" (No. 559), reported in favor of the passage of the same with the following amendments:

Page 2, line 12, strike out the word "prevent" and insert the word "permit."

Page 5, line 4, strike out the word "four" and insert the word "two."

S. PERCY HOOKER.

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was recommitted the bill introduced by Mr. Gates, Int. No. 228, entitled "An act to amend the County Law, in relation to the power of the board of supervisors of any county to sell, assign, transfer or set over a judgment obtained in the Court of Claims by such county against the State of New York" (No. 513), retaining its place on the order of second reading, reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 2, line 16, after the word "rendered" insert the words "with accrued interest no judgment so acquired by the state shall be deemed merged or satisfied thereby."

S. PERCY HOOKER,

*Chairman.*



Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Hastings, Int. No. 382, entitled "An act in relation to the almshouse of the city and town of Newburgh, in the county of Orange, and the commissioners thereof" (No. 415), reported the following substitute bill, and request that said substitute bill be printed and recommitted to said committee:

AN ACT to amend chapter forty-four of the laws of eighteen hundred and fifty-three, entitled "An act for the better support of the poor in the town of Newburgh in the county of Orange," in relation to the corporate name and terms of the commissioners of the almshouse.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section two of chapter forty-four of the laws of eighteen hundred and fifty-three, entitled "An act for the better support of the poor in the town of Newburgh in the county of Orange," is hereby amended to read as follows:

§ 2. [The office of overseer of the poor in the town of Newburgh is hereby abolished. There shall be a corporation in the said town by the name of "the commissioners of the almshouse of the town of Newburgh," which shall possess the usual powers of a corporation for public purposes. Henry Wyckoff, David W. Bate, David H. Barclay, George Gearn, Alfred Post, and Eugene A. Brewster, are hereby appointed such commissioners for the purpose of carrying into effect the provisions of this act. They shall be divided into three classes, and hold their offices for the periods following that is to say: David W. Bate and George Gearn shall constitute the first class, and hold their offices until the first Tuesday of April, eighteen hundred and fifty-four; Alfred Post and Eugene A. Brewster shall constitute the second class, and hold their offices until the first Tuesday of April, eighteen hundred and fifty-five, and Henry Wyckoff and David H. Barclay shall constitute the third class, and hold their offices until the first Tuesday of April, eighteen hundred and fifty-six; and upon the expiration of their several terms of office, their places shall be filled by persons duly elected at the annual town

meetings held in the town of Newburgh for the year in which such terms of office shall expire, which elections shall be conducted in the following manner, that is to say: each elector may place upon a separate ballot the name of one suitable person, who shall be a citizen of the United States, of full age, and a resident of said town of Newburgh, under the words "for commissioner of the almshouse," and deposit the same in a separate box to be provided for that purpose by the officers who shall preside at such town meetings; and a separate poll list shall be kept of the persons voting for such commissioners; and the two persons having the greatest number of votes, at such elections, shall be declared and deemed to be duly elected. And at every annual town meeting thereafter there shall be elected, in the same manner, two persons as such commissioners. The persons elected shall hold their office for the term of three years, and until others are duly elected in their places.】

§ 2. The corporation heretofore known as the commissioners of the almshouse of the city and town of Newburgh, shall hereafter be known as the commissioners of the home of the city and town of Newburgh. For the purpose of carrying into effect the provisions of this act, the six commissioners heretofore elected in the city and town of Newburgh, as commissioners of almshouse of the city and town of Newburgh, shall hold office as commissioners of the home of the city and town of Newburgh, until the term for which they were elected shall expire, and thereafter six commissioners of said home shall be nominated and elected, four in said city and two in said town, as other officers therein are elected. They shall be divided into three classes, and hold their offices for the periods following, that is to say: the two commissioners of the almshouse elected in the town of Newburgh, shall hold office as commissioners of said home until their terms expire. Two commissioners of said home shall be nominated and elected by the electors of the said town at the semi-annual town meeting held in the year nineteen hundred and five, in the same manner as other town officers are elected, and they shall be nominated and elected for the term of two years from the said first day of March, nineteen hundred and six. Two commissioners of the said home shall be nominated and elected by the electors of the said city at the annual election preceding the first Tuesday of April, nineteen hundred and six, in the same manner as other city officers chosen by the people are elected to take the place of the commissioners

whose terms will expire on said first Tuesday of April, nineteen hundred and six, and who shall hold office for the term to expire on the first day of March, nineteen hundred and ten. Two commissioners of the said home shall be nominated and elected by the electors of the said city, at the annual election preceding the first Tuesday of April, nineteen hundred and seven, in the same manner as other city officers chosen by the people are elected, to take the place of the commissioners whose terms will expire on said first Tuesday of April, nineteen hundred and seven, who shall hold office for the term to expire on the first day of March, nineteen hundred and eleven. Two commissioners of the said home shall be nominated and elected by the electors of the said town, at the annual election preceding the first day of March, nineteen hundred and eight, in the same manner as other town officers chosen by the people are elected who shall hold office for the term of four years and thereafter the successors of such commissioners shall be nominated and elected by the electors of the said city and town respectively, at the annual election or town meetings preceding the expiration of such terms of office, who shall hold office for the term of four years. Any vacancy which may occur in the office of commissioners of the home of the city and town of Newburgh elected in the said city, by reason of expiration of term or otherwise shall be filled by appointment by the mayor of the said city of Newburgh, in the same manner as other vacancies in city offices are filled; and any vacancy which may occur in the office of those commissioners elected in the said town, by reason of expiration of term or otherwise, shall be filled by appointment in the manner provided by the town law for the filling of vacancies in town offices.

§ 2. This act shall take effect immediately.

S. PERCY HOOKER,

*Chairman.*

Which report was agreed to and said substitute bill ordered printed and recommitted to said committee.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Donovan, Int. No. 260, entitled "An act to amend chapter 512 of the Laws of 1892, entitled 'An act to amend chapter 461 of the Laws of 1885, entitled 'An act regulating newspaper advertisements chargeable to the county of Rensselaer'" (No. 260), reported in favor of the

passage of the following substitute bill, and request that said bill be printed and recommitted to said committee:

AN ACT to amend chapter four hundred and sixty-one of the laws of eighteen hundred and eighty-five, entitled "An act regulating newspaper advertisements chargeable to the county of Rensselaer," relative to county newspapers.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section one of chapter four hundred and sixty-one of the laws of eighteen hundred and eighty-five, entitled "An act regulating newspaper advertisements chargeable to the county of Rensselaer," as amended by chapter five hundred and twelve of the laws of eighteen hundred and ninety-two, is hereby amended to read as follows:

§ 1. The board of supervisors [of Rensselaer county at its next meeting and annually thereafter] shall, at its next fall session, and annually thereafter, at its fall session, designate as county newspapers, two [daily] newspapers [of opposite politics] at least one of which shall be published in the city of Troy, [and also two weekly newspapers having the largest circulation therein, and one weekly newspaper published in the town of Hoosick and also one weekly newspaper printed in the town of Greenbush in said county;] and every such designation shall continue until another be made, [and shall then expire; and after such meeting] in accordance with the provisions of this act. Every advertisement chargeable to said county, except the session laws, shall be advertised in the county newspapers, which shall be such at its first insertion, and not otherwise. [But nothing herein contained shall be construed to affect the designation of papers heretofore made for the year eighteen hundred and ninety-two.] The clerk of the board of supervisors shall advertise in the county newspapers at least once in each week for the three weeks immediately preceding the meeting at which the designation of newspapers is to be made as herein provided, for sealed proposals and bids for the printing of all advertisements chargeable to the county of Rensselaer except the session laws. Such bids and proposals shall be in writing and sealed and shall be presented at the open meeting of the board of supervisors immediately following its convening, at the time when such designation is to be made as herein provided and shall be then and there publicly opened and read and the board of supervisors shall thereupon proceed to ascertain and determine who are the lowest responsible bidders, and upon so ascertaining and determining,



the said board of supervisors shall thereupon designate as county newspapers, the newspaper for which the lowest bid shall be presented, and the newspaper for which the next lowest bid shall be presented, provided, however, that if neither the lowest nor the next lowest bidder shall be for a newspaper published in the city of Troy, then said board of supervisors shall designate as such county newspapers the newspaper for which the lowest bid shall be presented and the newspaper published in the city of Troy for which the lowest bid of said newspapers, published in the city of Troy, shall be presented, and the newspaper so designated shall be the county newspapers for the county of Rensselaer and shall receive for advertisements published and chargeable to said county the sums for which in their said bids they shall offer to print the same.

§ 2. This act shall take effect immediately.

S. PERCY HOOKER,

*Chairman.*

Which report was agreed to and said substitute bill ordered printed and recommitted to said committee.

Mr. Coon, from the committee on agriculture, to which was referred the bill introduced by Mr. Cowan, Int. No. 621, entitled "An act to amend section 20 of the Agricultural Law, entitled 'An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws'" (No. 687), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Wilsnack, Int. No. 487, entitled "An act to transfer to the city of New York the normal and training school in the borough of Queens, city of New York, formerly in the village of Jamaica and county of Queens" (No. 528), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Monroe, Int. No. 624, entitled "An act to amend section 2 of chapter 585 of the Laws of 1865, entitled 'An act to establish the Cornell University,



and to appropriate to it the income of the sale of public lands granted to this State by Congress, on the 2d day of July, 1862; also to restrict the operation of chapter 511 of the Laws of 1863, as amended by chapter 87 of the Laws of 1895, and as farther amended by chapter 238 of the Laws of 1896" (No. 701), retaining its place on the order of third reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of third reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Wainwright, Int. No. 484, entitled "An act to amend section 3 of title 5 of chapter 556 of the Laws of 1894, entitled 'An act to revise, amend and consolidate the general acts relating to public instruction'" (No. 526), reported in favor of the passage of the same with the following amendments:

Page 2, line 5, beginning with the word "county" strike out all down to the word "district" in line 6.

Same page, line 6, strike out the words "is situated" and insert a period after the word "elected."

J. M. WAINWRIGHT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Monroe, Int. No. 640, entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season for trout in Tompkins county" (No. 720), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Hammond, Int. No. 534, entitled "An act to amend the Forest, Fish and Game Law, in relation to pike in the counties of Oneida, Madison, Oswego and

Onondaga " (No. 580), reported in favor of the passage of the same, with the following amendments:

Page 2, line 17, strike out the word "thirteen" and insert the word "ten."

Same page, line 18, strike out the period after the word "Onondaga" and insert a comma and the words "except in the waters of Lake Ontario."

WILLIS A. REEVE,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Gates, Int. No. 13, entitled "An act to amend the Forest, Fish and Game Law" (No. 13), reported the same with a substitute bill, and requested that said substitute bill be printed and recommitted to said committee, which report was agreed to and said substitute bill ordered reprinted and recommitted to said committee.

(See Appendix, No. 5.)

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Gates, Int. No. 16, entitled "An act to amend the Forest, Fish and Game Law, in relation to the sale of trout" (No. 16), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 1, line 8, after the word "Ulster" insert the words "and in forest preserve."

Same page, line 9, strike out the brackets and the word "and" and insert the words "Rensselaer, Schoharie, Sullivan, Essex and Ulster counties."

Page 2, line 1, strike out all matter down to the word "nor."

Same page, line 6, strike out the word "section" and insert the word "act."

Same page, lines 5 and 6, strike out underscores.

WILLIS A. REEVE,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Reeve, from the committee on fisheries and game, to which was recommitted the bill introduced by Mr. Bisland, Int. No. 476, entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season on hares and rabbits" (No. 639), retaining its place on the order of second reading, reported in favor of the passage of the same with the following amendments:

Page 2, line 12, strike out the word "county" and insert the word "counties," and after the word "Sullivan" insert the words "and Steuben."

WILLIS A. REEVE,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and restored to its place on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to legalize the proceedings of the town board of the town of Granger, county of Allegany, and the proceedings and resolution of the board of supervisors of Allegany county, in respect to the issue of bonds by such town to pay certain indebtedness thereof." (No. 638, Int. No. 465.)

"An act to provide for the erection of a new armory building in the city of Oswego, N. Y., the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and buildings and the application of the proceeds to such new building, and for other purposes relative to the same." (No. 173, Int. No. 173.)

"An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' in relation to the payment of money collected by marshals." (No. 435, Int. No. 414.)

"An act to legalize and confirm the official acts of various notaries public and commissioners of deeds, done and performed in the State of New York after the expiration of the several and

respective terms of office, after change of residence or after their failure to take and file their respective oaths of office or otherwise qualify according to law. between the 24th day of March, 1904, and the passage of this act. (No. 692, Int. No. 142.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James R. Angel against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903.” (No. 693, Int. No. 166.)

“An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Gard, against the State of New York, for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903.” (No. 693, Int. No. 166.)

“An act to legalize, and to provide for the payment of, bonds of union free school district No. 5 of the town of Cornwall, in the county of Orange, directed to be issued for the payment of the cost of erecting a new schoolhouse in said district, and for the purchase of a new site for such schoolhouse.” (No. 691, Int. No. 230.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 50) entitled “An act to amend the Code of Civil Procedure, in relation to exemptions and executions ” (Int. No. 50), reported the same with the following recommendations:

Page 1, line 2, insert a comma after the word “ procedure ” and strike out the words “ so as.”

Same page, line 7, insert commas after the words “ team ” and “ days.”

Same page, line 8, insert a comma after the word “ person.”

Same page, line 10, insert a comma after the word “ judgment.”

Page 2, line 1, insert a comma after the word “ money.”

Same page, line 9, strike out the comma after the word “ debtor.”

Same page, line 10, insert a comma after the word “ him.”

Same page, line 11, underscore the word “ for.”

Same page, line 16, strike out the comma after the word “ facts.”

Same page, line 24, strike out the word "and" and insert the word "or."

Page 3, line 2, strike out the comma after the word "therein."

Same page, line 5, strike out the comma after the word "paid."

Same page, line 13, strike out the comma after the word "satisfied."

Same page, line 14, after the second word "any" insert the word "such."

Same page, line 16, insert a comma after the word "fail."

Same page, line 17, insert a comma after the word "execution."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 540) entitled "An act to amend the Penal Code prohibiting the corrupt influencing of agents, employees or servants" (Int. No. 388), reported the same with the following recommendations:

Insert a comma after the word "code" in second line of title.

Page 1, line 2, after the word "as" insert the word "section."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 365), entitled "An act to amend chapter 331 of the Laws of 1904, entitled 'An act to amend the Code of Civil Procedure, in relation to professional or registered nurses as witnesses,' in relation to the effect of such act on pending actions or proceedings" (Int. No. 365), reported the same with the following recommendation:

Amend the title to read as follows:

"An act to amend the code of civil procedure, in relation to pending actions or proceedings."

FRED W. HAMMOND,

*Chairman.*



Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act for the relief of persons, firms and corporations who rendered services and furnished labor or material which was used in constructing the State armory in the late village now city of Tonawanda, Erie county, N. Y." (No. 54, Int. No. 54.)

"An act to amend the Code of Civil Procedure in relation to the Brooklyn Law School of St. Lawrence University." (No. 537, Int. No. 55.)

"An act to legalize and confirm the official acts of various notaries public and commissioners of deeds, done and performed in the State of New York after the expiration of the several and respective terms of office, after change of residence or after their failure to take and file their respective oaths of office or otherwise qualify according to law, between the 24th day of March, 1904, and the passage of this act." (No. 692, Int. No. 142.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James R. Angel against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903." (No. 693, Int. No. 166.)

"An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Gard, against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903." (No. 694, Int. No. 168.)

"An act to provide for the erection of a new armory building in the city of Oswego, N. Y., the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and buildings and the application of the proceeds to such new building, and for other purposes relative to the same." (No. 173, Int. No. 173.)

"An act to legalize the proceedings of the town board of the town of Granger, county of Allegany, and the proceedings and resolution of the board of supervisors of Allegany county, in respect to the issue of bonds by such town to pay certain indebtedness thereof." (No. 638, Int. No. 465.)

"An act to legalize, and to provide for the payment of, bonds of union free school district No. 5 of the town of Cornwall, in the county of Orange, directed to be issued for the payment of the cost of erecting a new schoolhouse in said district, and for the purchase of a new site for such schoolhouse." (No. 691, Int. No. 230.)

"An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' in relation to the payment of money collected by marshals." (No. 435, Int. No. 414.)

"An act to amend the Real Property Law, relative to the postponement or subordination of liens upon real property." (No. 699, Int. 210.)

"An act to amend the Tax Law, in relation to the exemption of the property of certain pharmaceutical societies situated in cities of the first class." (No. 700, Int. No. 100.)

"An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds." (No. 704, Rec. No. 24.)

"An act to provide for the payment of the claim of M. A. Dimond, executrix of the estate of John Dimond, deceased, for labor and materials furnished for grammar school No. 76 in the nineteenth ward of the city of New York." (No. 215, Int. No. 215.)

A message from the Governor, by the hand of his secretary, was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,  
ALBANY, *February 22, 1905.*

*To the Assembly:*

I herewith return without approval Assembly bill No. 183, entitled "An act to authorize the erection of an addition to present school building by the Palmyra Classical Union School in school district No. 1, in the town of Palmyra, and to provide for the payment therefor." (Int. No. 182.)

My objections thereto are that it is unnecessary special legislation. The bill authorizes the board of education of the Palmyra Union School to erect an addition to the present school building at a cost of \$12,000, to issue bonds to pay for the same, and to levy a tax to pay the principal and interest of said bonds. Section 42 of title 8 of the Consolidated School Law, read in connection with sections 9 and 10 of such title, seems to give the board of education of the Palmyra Union School ample power to levy taxes and issue bonds for school purposes when authorized by a majority of the voters of the district.

But it is said that there is a doubt as to the application of these sections of the General School Law to Palmyra, by reason of the fact that the Palmyra Classical Union School is incorporated under a special act (Chap. 296, Laws of 1857,) which limits the amount to be raised by taxation in any one year. Assuming that such limitation applies, the Legislature should not be called upon to pass a special act whenever a school district desires to build or enlarge a schoolhouse. If existing legislation is inadequate to accomplish the purpose, the proper remedy is an amendment of the law, extending the powers of the voters of the school district to determine for themselves from time to time the amount of money they shall raise for school purposes. If the Legislature is called upon to act whenever a school district desires to spend \$10,000 for school buildings, the fundamental principles of local self-government are violated and the time of the Legislature unnecessarily occupied by matters of no general concern.

I have requested the recall of several bills sent to me this session, where the purpose of the proposed act could, in my judgment, be accomplished under existing general laws, or where, in my judgment, general laws should be passed to cover the case.

I return this bill with approval in order to bring to the attention of the Legislature the policy adopted by the Executive.

FRANK W. HIGGINS.

Mr. A. P. Smith moved that said message, together with said bill, be laid upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill (No. 706) entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads" (Int. No. 30), was read the second time.

On motion of Mr. West, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 324) entitled "An act to amend chapter 598 of the Laws of 1892, entitled 'An act to provide for reporting the decisions of the inferior courts of record in the State of New York,' in relation to the allowance for assistance, clerk hire and office expenses in the miscellaneous reporter's department" (Int. No. 308), having been announced for a third reading,

Mr. McKeown moved that said bill be recommitted to the committee on ways and means, with instructions to report the same forthwith amended as follows:

Page 2, line 2, strike out the brackets on lines 2 and 3; also, strike out the words "three thousand five hundred" and insert in lieu thereof the words "five thousand;" strike out bracket on line 3.

Mr. La Rue moved to recommit said bill, with pending amendments, to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to said motion of Mr. La Rue, and it was determined in the negative.

Mr. Speaker then put the question whether the House would agree to said motion of Mr. McKeown, and it was determined in the negative.

AYES 18

NOES 96

Those who voted in the affirmative were:

Agnew	Cunningham	Hartman	Perham	Smith R H
Burns	Etzel	Hornidge	Prentice	Wainwright
Burzynski	Foster	McKeown	Rigby	Wainwright
Byrne	Gardner	Pendry		

Those who voted in the negative were:

Allen F E	Dodd	Hubbs	Parker	Smith A E
Allen J G	Donovan	Hurd	Patton	Smith J E
Apgar	Ellis	Knapp	Perry	Smith J T
Bass	Evans	La Fetra	Phillips	Standart
Becker	Foelker	La Rue	Pratt	Stanley
Bedell	Francisco	Lewis	Prince	Steele
Beihlf	Freidel	Machacek	Reeve	Stevens
Bisland	Fuller	Maier	Reilly	Tenjost
Brady	Gates	Mathews T F	Rogers	Thompson G F
Burnett	Grattan	Matthews C R	Rosenstein	Thompson J A
Cadin	Gray	McManus	Salomon	Tompkins
Cahn	Gurnett	Mead	Santee	Wade
Callahan	Hackett	Monroe	Schoeneck	Wadsworth
Carrier	Hammond	Moreland	Scovill	Wemple
Charles E E	Hanford	Murphy	Sheehy	Whitney G H
Charles W B	Hapeman	Newton	Sheldon	Wilsnack
Cooke	Hastings	Nugent	Sherry	Wood F C
Coon	Hooker	Ogden	Shuttleworth	Wood F X
Cox	Hooper	Palmer	Slocum	Yale
Dale				

Said bill was then read the third time.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not having voted in favor thereof, and three-fifths being present.

AYES 73

NOES 56

Those who voted in the affirmative were:

Agnew	Coon	Hanford	Moreland	Smith A E
Allen F E	Cowan	Hapeman	Ogden	Smith J E
Allen J G	Dale	Hastings	O'Neill	Steele
Apgar	Dowling	Hooker	Patton	Stevens
Becker	Etsel	Hooper	Phillips	Sullivan
Bedell	Evans	Hornidge	Plank	Thonet
Beihlf	Foelker	Hubbs	Reeve	Wadsworth
Bisland	Foster	Hurd	Rogers	Whitney F G
Brady	Francisco	Lewis	Santee	Whitney G H
Burnett	Freidel	Maier	Scovill	Wiegand
Burns	Gates	Matthews C R	Sheldon	Wilsnack
Byrne	Grattan	McKeown	Shuttleworth	Wilson
Cadin	Gray	Mead	Slocum	Wolf
Carrier	Gurnett	Miller	Smith A P	Yale
Charles W B	Hammond	Monroe		

Those who voted in the negative were:

Bass	Fuller	Murphy	Rigby	Tenjost
Bird	Gardner	Newton	Rosenstein	Thompson G F
Burzynski	Hackett	Nugent	Salomon	Thompson J A
Cahn	Hartman	Palmer	Sammon	Tompkins
Callahan	Knapp	Parker	Schoeneck	Wade
Charles E E	La Fetra	Pendry	Shanahan	Wagner



Cooke	La Rue	Perham	Sheehy	Wainwright
Cox	Machacek	Pratt	Sherry	West
Cunningham	Malloy	Prentice	Smith R H	Wemple
Dodd	Mathews T F	Prince	Standart	Wood F C
Donovan	McManus	Reilly	Stanley	Wood F X
Ellis				

Mr. Burnett moved to reconsider the vote by which said bill was lost, and that said motion lie upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill (No. 333) entitled "An act for the relief of the county of Yates relative to the collection of uncollected taxes therein of the years 1898, 1899, 1900, 1901, and 1902, and empowering and directing the county treasurer thereof to collect such taxes by advertisement and sale of lands upon which the same were assessed" (Int. No. 333), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Knapp	Perry	Smith A E
Allen F E	Dowling	La Fetra	Phillips	Smith J E
Allen J G	Ellis	La Rue	Plank	Smith J T
Apgar	Etzel	Leggett	Platt	Smith R H
Bass	Everett	Lewis	Pratt	Standart
Becker	Fish	Maier	Prentice	Steele
Bedell	Fitzsimons	Malloy	Prince	Sullivan
Beihlf	Foelker	Mathews T F	Quinn	Thompson G F
Bird	Foster	Matthews C R	Reeve	Thompson J A
Brady	Francisco	McKeown	Reilly	Waddell
Brooks	Fuller	McManus	Rigby	Wade
Burnett	Gardner	Mead	Rogers	Wagner
Burzynski	Gates	Merritt	Rosenstein	Wadsworth
Cadin	Grady	Monroe	Salomon	Wainwright
Callahan	Grattan	Moreland	Sammon	Wedemeyer
Carrier	Gray	Murphy	Santee	Wemple
Caughlan	Hackett	Newton	Schoeneck	Whitney F G
Charles E E	Hanford	Nugent	Shanahan	Wiegand
Cooke	Hapeman	Ogden	Sheehy	Wilson
Coon	Hartman	O'Neill	Sheldon	Wood F C

Coutant	Hooker	Parker	Sherry	Wood F X
Cox	Hooper	Patton	Shuttleworth	Yale
Cunningham	Hubbs	Pendry	Slocum	Young
Dodd	Hurd	Perham	Smith A P	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 656) entitled "An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district" (Int. No. 23), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 117

NOES 00

Those who voted in the affirmative were:

Agnew	Dowling	Lewis	Phillips	Stanley
Allen F E	Etzel	Macchacek	Platt	Steele
Allen J G	Everett	Maier	Pratt	Stevens
Anderson	Fish	Mathews T F	Quinn	Sullivan
Bass	Foelker	Matthews C R	Reilly	Thompson G F
Becker	Foster	McKeown	Rogers	Thompson J A
Beebe	Francisco	McManus	Rosenstein	Thonet
Beihlf	Freidel	Mead	Salomon	Waddell
Bird	Fuller	Merritt	Sammon	Wade
Bisland	Gates	Miller	Santee	Wagner
Brady	Gray	Monroe	Schoeneck	Wadsworth
Burnett	Hackett	Moreland	Scovill	Wainwright
Byrne	Hammond	Murphy	Shanahan	Wedemeyer
Cadin	Hapeman	Newton	Sheehy	West
Cahn	Hastings	Nugent	Sheldon	Wemple
Callahan	Hooper	Ogden	Sherry	Whitney F G
Caughlan	Hornidge	O'Neill	Shuttleworth	Wiegand
Charles W B	Hubbs	Parker	Slocum	Wilsnack
Cooke	Hurd	Palmer	Smith A P	Wolf
Cotton	Kavanaugh	Patton	Smith J E	Wood F C
Cowan	La Fetra	Pendry	Smith J T	Wood F X
Cunningham	La Rue	Perham	Smith R H	Yale
Dodd	Leggett	Perry	Standart	Young

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the

final passage of said bill as amended, have again passed the same and request the concurrence of the Senate therein.

Mr. Evans offered for the consideration of the House a resolution, in the words following:

Resolved, That there be printed 2,500 additional copies of the annual report of the Fiscal Supervisor of State Charities for the year 1905, to be bound in cloth, for the use of said Fiscal Supervisor.

Which was read and referred to the committee on public printing.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,  
ALBANY, February 21, 1905.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 191, entitled "An act to legalize the official acts of Benjamin E. Western, a justice of the peace of the town of Norway, county of Herkimer." (Int. No. 191.)

FRANK W. HIGGINS.

Also, the following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,  
ALBANY, February 21, 1905.

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 327, entitled "An act to legalize and provide for payment of bonds of the village of Mohawk to be issued for water and lighting improvement purposes, and to legalize all proceedings in relation thereto, including the proposition submitted by the board of trustees of said village to its qualified electors at a special election, and the special election so called and held on the 10th day of October, 1903, and all proceedings had and taken by the board of trustees with reference to improving the village water and lighting systems." (Int. No. 144.)

FRANK W. HIGGINS.

The Senate returned the bill (No. 311) entitled "An act authorizing the village of Clyde to raise money to pay and satisfy a

final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village" (Int. No. 311), with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Robert N. Clark, mayor of the city of Amsterdam, returning Assembly bill No. 347, entitled "An act to amend chapter 101 of the Laws of 1881, entitled 'An act to provide for a supply of water in the village of Amsterdam, and to exempt said village from the provisions of chapter 181 of the Laws of 1875,' relative to the powers of the water commissioners" (Int. No. 38), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

The privileges of the floor were extended to Hon. Elijah Cook, Hon. Mr. Chandler, County Judge George E. Pritchard, Hon. Mr. Lamar, Hon. Mr. Montgomery, Mr. Henry Fairmont and Mr. Geoway Miller.

Mr. Foelker offered for the consideration of the House a resolution, in the words following:

Resolved, That when the House adjourns it adjourn out of respect to the memory of the Hon. Jacob Worth, a former member of this House and of the State Senate, who departed this life on the 21st day of February, 1905.

Mr. R. H. Smith offered for the consideration of the House a resolution, in the words following:

Resolved, That when this House adjourns it adjourn out of respect to the memory of Thomas A. Mangin, a former member of Assembly from the Twenty-third district of the city of New York.

Mr. Speaker put the question whether the House would agree to said resolutions of Mr. Foelker and Mr. R. H. Smith, and it was determined in the affirmative.

On motion of Mr. Rogers, the House adjourned.

## THURSDAY, FEBRUARY 23, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Charles Lee Sleight, Waterford.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Messrs. Merritt and Beebe were excused until Monday, February 27.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter 200 of the Laws of 1903, entitled 'An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office,' in relation to the appointment of clerks" (No. 343, Rec. No. 78), which was read the first time and referred to the committee on internal affairs.

"An act to amend chapter 260 of the Laws of 1903, entitled 'An act to make the office of sheriff of Livingston county a salaried one in part, and to regulate the management thereof,' in relation to compensation of under sheriff, jailer and attendants" (No. 344, Rec. No. 79), which was read the first time and referred to the committee on internal affairs.

Mr. Agnew introduced a bill entitled "An act to amend the Penal Code, in relation to the unlawful taking, copying or use of trade lists, lists of customers, subscribers, et cetera" (Int. No. 725), which was read the first time and referred to the committee on codes.

Mr. Bedell introduced a bill entitled "An act to amend the Railroad Law in relation to the incorporation and powers of railroad corporations" (Int. No. 726), which was read the first time and referred to the committee on railroads.

Mr. Burns introduced a bill entitled "An act to amend the Penal Code relative to unlicensed peddlers and the security to be given for their appearance in court when arrested" (Int. No. 727), which was read the first time and referred to the committee on codes.



Mr. Cooke introduced a bill entitled "An act to amend the second class cities charter, in relation to the decision of the commissioner of public safety regarding charges against members of the police force" (Int. No. 728), which was read the first time and referred to the committee on affairs of cities.

Mr. Cox introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Frances Turzkowska against the State of New York for damages alleged to have been sustained by her on the State Reservation at Niagara on or about the 5th day of July, 1903" (Int. No. 729), which was read the first time and referred to the committee on claims.

Mr. Hartman introduced a concurrent resolution entitled "Concurrent resolution of the Senate and Assembly proposing amendment to section 10 of article 8 of the Constitution, relating to the debt limit of committees, cities, towns and villages" (Int. No. 730), which was read the first time and referred to the committee on the judiciary.

Mr. Knapp introduced a bill entitled "An act to amend chapter 269 of the Laws of 1902, entitled 'An act to incorporate the city of Plattsburgh,' in relation to salary of commissioner of charities" (Int. No. 731), which was read the first time and referred to the committee on affairs of cities.

Mr. McKeown introduced a bill entitled "An act to amend the Greater New York charter relative to rank in the uniformed police force" (Int. No. 732), which was read the first time and referred to the committee on affairs of cities.

Mr. McManus introduced a bill entitled "An act to amend the Greater New York charter relative to the department of health" (Int. No. 733), which was read the first time and referred to the committee on affairs of cities.

Mr. Rigby introduced a bill entitled "An act to amend chapter 635 of the Laws of 1895, entitled 'An act to revise the charter of the city of Yonkers,' and the several acts amendatory thereof and supplemental thereto, relating to the appropriation for the public library" (Int. No. 734), which was read the first time and referred to the committee on affairs of cities.

Mr. Rogers introduced a bill entitled "An act making an appropriation for the several State prisons, the Eastern New York Reformatory, the Matteawan State Hospital for Insane Criminals and the Dannemora State Hospital for Insane Convicts" (Int. No. 735), which was read the first time and referred to the committee on ways and means.

Mr. Salomon introduced a bill entitled "An act to amend section 274 of the Real Property Law relative to the recording of unusual forms of mortgages" (Int. No. 736), which was read the first time and referred to the committee on general laws.

Mr. Santee introduced a bill entitled "An act to amend the Forest, Fish and Game Law relative to appointing additional protectors" (Int. No. 737), which was read the first time and referred to the committee on fisheries and game.

Mr. Sullivan introduced a bill entitled "An act to amend chapter 380 of the Laws of 1897, entitled 'An act to provide for boards of supervisors in counties wholly within the limits of a city, but not comprising the whole of such city, and defining the powers and duties thereof,' relative to designation of newspapers" (Int. No. 738), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to reduce the ferriage on the ferry known as the Long Island Ferry, plying between the foot of East Thirty-fourth street, in the borough of Manhattan, and Borden avenue, in the First ward of the borough of Queens, and establish a rate of ferriage thereon" (Int. No. 739), which was read the first time and referred to the committee on commerce and navigation.

Mr. Tompkins introduced a bill entitled "An act to amend the Insurance Law in relation to the incorporation of fraternal beneficiary societies, orders or associations" (Int. No. 740), which was read the first time and referred to the committee on insurance.

Mr. Wainwright introduced a bill entitled "An act to amend the State Finance Laws in relation to receipts and expenditures"

(Int. No. 741), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to amend title 16 of chapter 556 of the Laws of 1894, known as the Consolidated School Law" (Int. No. 742), which was read the first time and referred to the committee on public education.

Mr. Wedemeyer introduced a bill entitled "An act to regulate the price of illuminating gas in the borough of Richmond, city of New York" (Int. No. 743), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Yale introduced a bill entitled "An act to amend the Forest, Fish and Game Law, prohibiting the use of automatic and repeating shotguns in hunting" (Int. No. 744), which was read the first time and referred to the committee on fisheries and game.

Mr. Wiegand introduced a bill entitled "An act to amend the Railroad Law, for the greater safety of the public, by providing for an additional conductor on electric and cable cars in cities having a population of more than fifteen hundred thousand" (Int. No. 745), which was read the first time and referred to the committee on railroads.

Mr. R. H. Smith introduced a bill entitled "An act to amend the Motor Vehicle Law relative to the exclusion of motor vehicles from certain highways" (Int. No. 746), which was read the first time and referred to the committee on internal affairs.

By unanimous consent,

Mr. Sheldon introduced a bill entitled "An act to prohibit the docking of horses' tails, and to require a registry of all docked horses now in this State" (Int. No. 747), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to amend chapter 478 of the Laws of 1893, entitled 'An act to incorporate the city of Olean,' in relation to commitments to the Erie county penitentiary" (Int. No. 748), which was read the first time and referred to the committee on affairs of cities.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Mead, Int. No. 290, en-

titled "An act providing for an addition to the site of the State Normal College at Albany, N. Y., and making an appropriation therefor" (No. 305), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Armstrong, Rec. No. 32, entitled "An act to amend the Election Law, relative to filling vacancies in nominations" (No. 164), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Wainwright, Int. No. 96, entitled "An act to amend section 640 of the Penal Code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this State" (No. 96), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Phillips, Int. No. 549, entitled "An act to amend section 600 of the Penal Code" (No. 600), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Prentice, Int. No. 608, entitled "An act to amend the Code of Criminal Procedure, in relation to the salaries of probation officers" (No. 674), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Hammond, Int. No. 211, entitled "An act to amend the Code of Criminal Procedure in relation to return by magistrate of statement to district attor-



new in certain counties" (No. 211), reported in favor of the passage of the same with the following amendment:

Page 2, line 4, after the word "him" strike out the period and insert a semicolon; also, after the word "him" and before the word "except" insert the word "and," and change the capital "E" in the word "except" to small letter "e."

J. S. PHILLIPS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Bisland, Int. No. 397, entitled "An act to amend the Code of Civil Procedure, in relation to the appointment and compensation of stenographers in surrogates' courts in certain counties" (No. 397), reported in favor of the passage of the same with the following amendments:

Page 1, line 5, after the word "Hamilton" insert the words "Queens, Richmond."

Page 2, line 15, after the word "taken" insert the words "except that in such county wholly containing a city of the first or second class, such fees shall not exceed six cents per folio."

Same page, line 26, strike out all after the word "shall" down to and including line 10 on page 3, and insert the words "be paid a reasonable compensation, certified by the surrogate in every case in which he takes notes of testimony, not exceeding ten dollars for each day actually employed in the taking of testimony, and not exceeding six cents per folio for a typewritten copy of such parts of the testimony as the surrogate shall direct to be furnished. Such compensation is a part of the costs of the proceedings."

J. S. PHILLIPS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Beihlf, Int. No. 421, entitled "An act to amend section 1269 of the Code of Civil Pro-



cedure, relative to the power of a court respecting the docket of its judgment" (No. 450), reported in favor of the passage of the same with the following amendment:

Page 1, line 4, strike out the words "or a court not of record" and insert the words "or the municipal court of the city of New York."

J. S. PHILLIPS,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Wade, Int. No. 312, entitled "An act to amend section 1774 of the Code of Civil Procedure relating to judgments in matrimonial actions" (No. 312), reported in favor of the passage of the same with the following amendment:

Page 3, line 16, strike out the word "immediately" and insert the words "September first, nineteen hundred and five."

J. S. PHILLIPS,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the Senate bill introduced by Mr. Page, Rec. No. 52, entitled "An act to amend section 1086 of the Code of Civil Procedure relative to excusing jurors" (No. 28), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on Codes, to which was referred the Senate bill introduced by Mr. Armstrong, Rec. No. 38, entitled "An act to amend the Penal Code, relative to the sale and possession of dangerous weapons" (No. 356), reported in favor of the passage of the same with the following amendments:

Page 1, line 5, strike out the words "to any person."

Same page, line 7, after the word "knuckles" insert the words "to any person."

Page 3, line 6, after the word "village" insert the words "or in such manner as may be prescribed by ordinance of such city or village."

J. S. PHILLIPS,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Bedell, Int. No. 532, entitled "An act to amend section 103 of the Railroad Law with respect to the abandonment of part of route, temporary removal of rails, temporary discontinuance of operation and relocation of railroads and routes" (No. 578), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Wilsnack, Int. No. 218, entitled "An act to amend the Railroad Law, relative to street railroad transfers in the counties of Kings and Queens" (No. 218), reported in favor of the passage of the same with the following amendments:

Page 2, line 13, add after the word "to" and before the word "the" the words "any point in Queens county on" underscored, and strike out the word "the" at end of line.

Same page, line 14, strike out the words "terminus of."

LOUIS BEDELL,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Miller, Int. No. 464, entitled "An act to amend chapter 178 of the Laws of 1834, entitled 'An act to incorporate the Long Island Railroad Company,' relating to rates of toll" (No. 494), reported the following substitute bill, and request that said substitute bill be printed and recommitted to said committee:

AN ACT to amend chapter one hundred and seventy-eight of the laws of eighteen hundred and thirty-four, entitled "An act to incorporate the Long Island railroad company," relating to rates of toll.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section twenty of chapter one hundred and seventy-eight of the laws of eighteen hundred and thirty-four, entitled "An act to incorporate the Long Island railroad company," is hereby amended to read as follows:

§ 20. In addition to the general powers given by the revised statutes to corporations, the corporation hereby created shall have power to prescribe the manner in which the said roads shall be used; by what force the carriages to be used thereon may be propelled, and the rates of toll for the transportation of persons or property thereon; it shall have power also by its officers, agents and servants, to enter upon any of the lands lying within the contemplated range of the said railroad, for the purpose of examining, surveying and establishing its lines. But in fixing the rates of toll it shall not be lawful for said corporation to charge more than two cents per mile for a single fare, except as hereinafter provided. The said corporation when requested shall also issue yearly commutation tickets for use between its stations in Long Island City, Brooklyn and Jamaica and any station easterly therefrom at a rate not to exceed one-half of one cent per mile. When requested these commutation tickets shall be issued monthly payable in monthly instalments at a rate not to exceed one and five-tenths of the average rate per month for the first three months, one and three-tenths of the average rate per month for the next three months, and six-tenths of the average rate per month for the last six months of the year. Monthly commutation tickets shall be issued between any stations at one-half the rate per mile for single tickets. But said corporation shall not be compelled to make a toll rate of less than five cents for a single fare for a short distance trip of two miles or less, regardless of mileage computation. These provisions as to the rates of toll shall have full force and effect so long as the said corporation shall operate under any renewal or continuance of its rights or privileges herein granted.

§ 2. This act shall take effect June first, nineteen hundred and five.

LOUIS BEDELL, *Chairman.*

Which report was agreed to and said substitute bill ordered printed and recommitted to said committee.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Becker, Int. No. 322, entitled "An act to provide for the care, preservation and protection of the rock known as the 'Seneca Indian council rock,' in the town of Brighton, Monroe county, N. Y., and legalizing its existence in its present location" (No. 345), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Cahn, Int. No. 441, entitled "An act to amend chapter 528 of the Laws of 1902, entitled 'An act to regulate the sales of merchandise in bulk,' relative to notice, as amended by chapter 569 of the laws of 1904" (No. 470), reported in favor of the passage of the same with the following amendment:

Page 2, line 1, after the word "thereof" insert the word "necessarily," underscored.

EDWIN A. MERRITT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Wemple, Int. No. 570, entitled "An act to amend chapter 225 of the Laws of 1896, entitled 'An act in relation to the poor, constituting chapter 27 of the general laws'" reported the same with the following amendments, and request that said bill be recommitted to said committee:

Amend the title to read as follows:

"An act to amend the poor law, relative to supplies to be furnished for the maintenance of the county poor."

Page 1, line 1, strike out the words "Section three" and insert in place thereof the words "Article one."

Same page, line 4, strike out the words "at the end of" and insert the words "therein a new."



Same page, line 5, strike out the first word " the " and also the words " the following."

Same page, line 5, after the word " section " insert the words " to be known as section 3-a, and to read as follows: "

Same page, between lines 5 and 6, insert the following:

" § 3-a. Supplies for the county poor.—"

EDWIN A. MERRITT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Merritt, from the committee on general laws, to which was recommitted the bill introduced by Mr. J. A. Thompson, Int. No. 392, entitled "An act to amend the Lien Law, in relation to liens for wages " (No. 541), reported the following substitute bill, and request that said substitute bill be printed and recommitted to said committee.

AN ACT to amend the lien law, relative to mechanics' liens on real property for wages.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section three of chapter four hundred and eighteen of the laws of eighteen hundred and ninety-seven, entitled "An act in relation to liens constituting chapter forty-nine of the general laws," is hereby amended to read as follows:

§ 3. Mechanics' lien on real property; liens for wages.—A contractor, sub-contractor, laborer or material man, who performs labor or furnishes materials for the improvement of real property with the consent or at the request of the owner thereof, or of his agent, contractor or sub-contractor, shall have a lien for the principal and interest of the value, or the agreed price, of such labor or materials upon the real property improved or to be improved and upon such improvement, from the time of filing a notice of such lien as prescribed in this article. Every owner of a building on which labor is being done, and every person or corporation, who as mortgagee, is advancing money on a building loan mortgage for the construction or improvement of a building on the property covered by said mortgage, shall be individually liable to workmen actually employed upon said building for all



wages actually earned by said workmen during the ten days immediately preceding the filing with said person or corporation of a notice of claim for said wages. Said notice of claim shall contain all the particulars required by this chapter to be contained in a notice of lien to be filed by a party claiming a lien for labor, and the provisions of this chapter as to the form and service of a notice of lien shall apply to the service of a notice of claim as herein provided. If the wages specified in said notice are not paid to the parties entitled to receive the same, or are not deposited with the town clerk, if the building is being erected in a town or with the city clerk, if said building is in a city, within fifteen days after the filing of said notice of claim, an action may be maintained for the recovery of said wages in all respects as if the services had been rendered under an actual contract therefor with said owner or mortgagee. Any owner or mortgagee paying wages under the provisions of this section shall be entitled to deduct the amount paid from the amount which said owner or mortgagee would be liable to pay for the construction of the building on which said work was done.

§ 2. This act shall take effect immediately.

EDWIN A. MERRITT,

*Chairman.*

Which report was agreed to and said substitute bill ordered printed, and recommitted to said committee.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Patton, Int. No. 300, entitled "An act authorizing the village of Kenmore to levy a frontage tax for water purposes" (No. 300), reported the following substitute bill, and request that said substitute bill be printed and recommitted to said committee:

AN ACT authorizing the village of Kenmore to levy a frontage tax for water purposes.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The board of trustees of the village of Kenmore, Erie county, New York, acting as water commissioners, may levy and collect a frontage tax each and every year hereafter on all real estate lying along or facing on either side of any street or alley or portion of street or alley in said village in which a water

main for the purpose of supplying water to the public by said village is or may hereafter be laid for such purpose. Said frontage tax shall not exceed in any one year the sum of three cents for each foot of frontage or fraction thereof, on any and all tracts or parcels of land lying along or fronting on either side of any such street or alley or portion thereof, and in no event shall such tax be assessed against property in front of which no water main has been or may hereafter be laid as herein provided, and for the purpose of the construction of this act, the easterly side of Delaware avenue in said village where no water main has now been constructed, being north of about the intersection of Delaware avenue with East Delaware avenue or Old Delaware road, shall be regarded as not now provided with a water main. But said portion of the east side of Delaware avenue not now provided with a water main, shall, however, become subject to frontage tax as herein provided if the main on the westerly side of Delaware avenue now provided with a water main shall be made to supply that part or any portion thereof on the easterly line of said Delaware avenue which is not now provided with a water main, in the same manner as though the water main was laid in the center or along the easterly side thereof.

§ 2. The sum to be levied and collected shall be included in the general village tax roll, which roll shall contain the names of the persons assessed, the street or alley or portion thereof upon which the property assessed to each person is situated, the number of feet frontage assessed upon each piece of real estate, and shall further contain a separate column headed "Water Works Tax," in which the amount of frontage tax shall appear and which tax shall be carried from said column into the last or total column on said general village tax roll, together with other taxes upon each separate parcel of land assessed therefor. The said roll shall be prepared by the board of trustees of the said village, acting as water commissioners, on or before the first Tuesday of May of each year during the continuance of such frontage tax, and notice thereof given in the same manner and form as is required by law for the preparation of a town assessment roll.

§ 3. The amount of tax so assessed and collected shall be applied exclusively to the payment of the cost of the water supply for fire protection, and the payment of the principal and interest on the bonds of such village issued or hereafter issued to raise money for the cost of constructing such system. The tax assessed under this act shall be regarded in all respects as

other general village tax upon said roll and be collected and enforced in the same manner.

§ 4. This act shall take effect immediately.

A. B. STEELE,  
*Chairman.*

Which report was agreed to and said substitute bill ordered printed and recommitted to said committee.

Mr. Steele, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. Tully, Rec. No. 73, entitled "An act to legalize bonds of the village of Painted Post to be issued for the purpose contemplated by chapter 483 of the Laws of 1904, and to legalize all proceedings in relation thereto, including the appointment and proceedings of the board of river commissioners thereunder and the special election of the inhabitants of said village held thereunder on the 25th day of June, 1904" (No. 358), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Cadin, from the committee on commerce and navigation, to which was referred the bill introduced by Mr. Prentice, Int. No. 59, entitled "An act to amend the Navigation Law in relation to life preservers" (No. 59), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Coon, from the committee on agriculture, to which was referred the bill introduced by Mr. Cowan, Int. No. 279, entitled "An act to amend the Agricultural Law relative to the compensation to be paid to owners of cattle destroyed to prevent the spread of infectious or contagious disease" (No. 279), reported in favor of the passage of the following substitute bill:

AN ACT to amend the agricultural law, relative to compensation to owners of animals destroyed because of tuberculosis.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Section seventy-a of the agricultural law, entitled "An act in relation to agriculture constituting articles one, two,

three, four and five of chapter thirty-three of the general laws” as inserted by chapter three hundred and twenty-one of the laws of nineteen hundred and one, is hereby amended so as to read as follows:

§ 70-a. Compensation to owners of animals destroyed.—The actual appraised value, not to exceed forty dollars, at the time they are killed of all animals slaughtered under the provisions of this article, which shall be found upon post-mortem examination not to have had the disease for which they were slaughtered, unless the same were killed on account of the violation of quarantine regulations, shall be paid to the owners of such animals. If such animals are found upon post-mortem examination to have been suffering with the disease of tuberculosis, then they shall be paid for in the manner following, to wit: If an animal had localized tuberculosis, the owner thereof shall be paid sixty per centum of the appraised value. If the animal has been suffering with generalized tuberculosis, the owner thereof shall be paid therefor forty per centum of the appraised value, but no animal slaughtered under the provisions of this article shall be paid for as herein provided, unless the said animal shall have been within the state for a period of at least one year. The certificate of appraisal, the statement of the result of the post-mortem examination, shall be presented by the owner or his legal representatives or assigns, to the commissioner of agriculture. The commissioner of agriculture shall issue his order for the amount due as shown by such certificate and statement, which shall be paid by the state treasurer on the warrant of the comptroller out of the moneys appropriated therefor. If the owner of the cattle is dissatisfied with the appraisal he may take his claim to the court of claims, which [board] court [of claims] shall have exclusive jurisdiction to hear, audit and determine all claims which shall arise under the provisions of this article for compensation for animals slaughtered and to allow thereon such sums as should be paid by the state. No compensation shall be made to any person who has wilfully concealed the existence of disease among his animals or upon his premises, or who in any way by act or by wilful neglect has contributed to spread the disease sought to be suppressed or prevented, nor for any animal which upon post-mortem examination is found to have the disease on account of which it was slaughtered or any danger-



ously contagious or infectious disease that would warrant the destruction of such animal, except as herein provided.

§ 2. This act shall take effect immediately.

ABRAM S. COON,

*Chairman.*

Which report was agreed to and said substitute bill ordered printed and placed on the order of second reading.

Mr. Sheldon, from the committee on public health, to which was referred the bill introduced by Mr. Maier, Int. No. 463, entitled "An act to amend the Public Health Law in relation to the prosecution of violations of the law, in regard to the practice of medicine" (No. 493), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Sheldon, from the committee on public health, to which was referred the bill introduced by Mr. C. R. Matthews, Int. No. 370, entitled "An act to amend the Agricultural Law relative to foods adulterated with methyl or wood alcohol" (No. 370), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Sheldon, from the committee on public health, to which was referred the bill introduced by Mr. Pendry, Int. No. 212, entitled "An act regulating the sanitary condition of bathing establishments, and amending section 212 of chapter 25 of the general public health laws, as amended by the Laws of 1893, being renumbered by the Laws of 1900, chapter 667; number of section being originally 202" (No. 212), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Sheldon, from the committee on public health, to which was referred the bill introduced by Mr. C. R. Matthews, Int. No. 369, entitled "An act to amend the Public Health Law relative to the use of methyl or wood alcohol for adulterative purposes" (No. 369), reported in favor of the passage of the same without



amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Sheldon, from the committee on public health, to which was referred the bill introduced by Mr. Yale, Int. No. 406, entitled "An act to amend the Public Health Law in relation to the sale of wood alcohol" (No. 406), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 3, line 11, at end of line, insert the words "All taxes collected and fines or penalties recovered under the provisions of this section shall be paid by the commissioners of health into the state treasury to the credit of the general fund."

J. C. SHELDON,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Sheldon, from the committee on public health, to which was referred the bill introduced by Mr. Rosenstein, Int. No. 620, entitled "An act to amend the Public Health Law by defining optometry, and regulating the practice thereof" (No. 686), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 3, line 4, strike out the word "four" and insert the word "five."

J. C. SHELDON,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Sheldon, from the committee on public health, to which was referred the bill introduced by Mr. Sullivan, Int. No. 600, entitled "An act to prevent the sale and manufacture of cigarettes" (No. 666), reported the following substitute bill, and request that said substitute bill be printed and recommitted to said committee:

AN ACT to prevent the sale and manufacture of cigarettes.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. Sale of cigarettes.—No one, by himself, clerk, servant, employee or agent, shall, for himself or any person else, directly or indirectly, or upon any pretense, or by any device, manufacture, sell, exchange, barter, dispense, give in the consideration of the purchase of any property, of any services, or in evasion hereof, or keep for sale, any cigarettes or cigarette paper or cigarette wrappers, or any paper made or prepared for the purpose of making cigarettes, or for the purpose of being filled with tobacco for smoking; or own or keep, or be in any way concerned, engaged or employed in owning or keeping, any such cigarettes or cigarette paper or wrappers, with intent to violate any provision of this section; or authorize or permit the same to be done. Whoever is found guilty of violating any of the provisions of this section, for the first offense shall pay a fine of not less than twenty-five dollars nor more than fifty dollars and costs of prosecution, and stand committed to the county jail until such fine and costs are paid; for the second and each subsequent offense, he shall pay upon conviction thereof, a fine of not less than one hundred dollars nor more than five hundred dollars and the costs of prosecution, or be imprisoned in the county jail not to exceed six months; provided that the provisions hereof shall not apply to the sales of jobbers doing an interstate business with customers outside of the state.

§ 2. This act shall take effect immediately.

J. C. SHELDON,  
*Chairman.*

Which report was agreed to and said substitute bill ordered printed and recommitted to said committee.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the bill introduced by Mr. Wemple, Int. No. 485, entitled "An act to amend chapter 865 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Christian Association of the City of Schenectady,' in relation to the membership of said association, its constitution and by-laws, reducing the number of its managers and trustees, providing for their election, and regulating the use of its premises" (No. 543),

reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the bill introduced by Mr. Wilson, Int. No. 244, entitled "An act to amend the religious corporations law, relative to the removal of remains from cemeteries and church grounds" (No. 244), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the bill introduced by Mr. Mead, Int. No. 514, entitled "An act to consolidate the consolidated corporation now existing under the name of 'The Mohawk and Hudson River Humane Society' with the corporations known as 'The Saratoga Society for the Prevention of Cruelty to Children,' and 'The Columbia County Society for the Prevention of Cruelty to Children,' and to define the powers and duties of the corporation as so consolidated" (No. 564), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the bill introduced by Mr. Santee, Int. No. 455, entitled "An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' relative to the bond of the treasurer of the New York State School for the Blind" (No. 485), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the Senate bill introduced by Mr. Elsberg, Rec. No. 60, entitled "An act to further amend the charter of the Union Theological Seminary in the city of New York" (No. 310), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Mead, from the committee on charitable and religious societies, to which was referred the Senate bill introduced by Mr. Davis, Rec. No. 27, entitled "An act to amend the Religious Corporations Law, relative to filling vacancies in offices of church wardens and vestrymen" (No. 131), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond, from the committee on revision to which was referred the following entitled bills reported the same without recommendations:

"An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads." (No. 706, Int. No. 30.)

"An act to amend the Forest, Fish and Game Law, in relation to the close season for trout in Tompkins county." (No. 720, Int. No. 640.)

"An act to transfer to the city of New York the normal and training school in the borough of Queens, city of New York, formerly in the village of Jamaica and county of Queens." (No. 528, Int. No. 487.)

"An act to amend section 2 of chapter 585 of the Laws of 1865, entitled 'An act to establish the Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress, on the 2d day of July, 1862; also to restrict the operation of chapter 511 of the Laws of 1863,' as amended by chapter 87 of the Laws of 1895, and as farther amended by chapter 238 of the Laws of 1896" (No. 701, Int. No. 624), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend chapter five hundred and eighty-five of the laws of eighteen hundred and sixty-five, entitled 'An act to establish the Cornell university, and to appropriate to it the income of the sale of public lands granted to this state by congress, on the second day of July, eighteen hundred and sixty-two, also to restrict the operation of chapter five hundred and eleven of the laws of eighteen hundred and sixty-three,' relative to the board of trustees."

Page 2, line 3, strike out the semi-colon after the word "two" and insert a comma.

Page 3, line 14, insert quotation marks before the word "fall" and after the word "term."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed :

"An act to amend chapter 231 of the Laws of 1895, entitled 'An act to establish a law library in the sixth judicial district to be called the Supreme Court Library at Elmira, and making an appropriation therefor,' relative to the salary of librarian. (No. 405, Int. No. 405.)

"An act to amend chapter 261 of the Laws of 1852, entitled 'An act to incorporate the New York College of Dental Surgery,' changing its name, increasing the number of trustees, extending its powers to hold property, authorizing its consolidation with other institutions, relating to its by-laws and the conferring of degrees by such institution, and ratifying its consolidation with the New York Dental School. (No. 497, Int. No. 467.)

Mr. Hooker offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on internal affairs be discharged from the further consideration of Assembly bill No. 645, entitled "An act to promote the preparation of the Indians of this State for citizenship and to create the office of superintendent of civic training of the Indians" (Int. No. 578), and that said bill be referred to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The bill (No. 262) entitled "An act to amend the Forest, Fish and Game Law, in relation to muskalonge" (Int. No. 262), having been announced for a third reading,



Mr. Foster moved that said bill be recommitted to the committee on fisheries and game, with instructions to report the same forthwith amended as follows:

Page 2, line 1, after the word "twenty" add the word "four," and after the word "or" strike out the word "intentionally."

Same page, line 2, after the word "without" strike out the word "avoidable."

Same page, line 3, after the word "taken" add the words "The provisions of this section shall not apply to Chautauqua or Cattaraugus counties."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Reeve, from the committee on fisheries and game, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The bill (No. 215) entitled "An act to provide for the payment of the claim of M. A. Dimond, executrix of the estate of John Dimond, deceased, for labor and materials furnished for grammar school No. 76, in the Nineteenth ward of the city of New York" (Int. No. 215), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 117

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Kavanaugh	Perham	Standart
Allen F E	Donovan	Knapp	Perry	Stanley
Allen J G	Dowling	La Fetra	Plank	Steele
Apgar	Ellis	Leggett	Platt	Stevens
Bass	Evans	Lewis	Pratt	Sullivan
Becker	Fish	Machacek	Prentice	Thompson G F
Beebe	Foelker	Maier	Quinn	Thonet
Bird	Foster	Malloy	Reeve	Tompkins
Brady	Francisco	Mathews T F	Reilly	Waddell
Brooks	Freidel	Matthews C R	Rigby	Wade
Burnett	Fuller	McKeown	Rogers	Wagner
Burzynski	Gardner	McManus	Rosenstein	Wadsworth

Byrne	Gates	Mead	Sammon	Wedemeyer
Cahn	Grady	Miller	Santee	Wemple
Callahan	Grattan	Moreland	Schoeneck	Whitney F G
Carrier	Gray	Murphy	Scovill	Whitney G H
Caughlan	Gurnett	Newton	Sheehy	Wiegand
Charles E E	Hammond	Nugent	Sheldon	Wilsnack
Cooke	Hapeman	Ogden	Sherry	Wolf
Coon	Hartman	Palmer	Slocum	Wood F C
Cotton	Hastings	Parker	Smith A P	Wood F X
Coutant	Hooper	Patton	Smith J E	Yale
Cowan	Hubbs	Pendry	Smith J T	Young
Cox	Hurd			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 700) entitled "An act to amend the Tax Law, in relation to the exemption of the property of certain pharmaceutical societies situated in cities of the first class (Int. No. 100), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 1

Those who voted in the affirmative were:

Agnew	Cox	Hurd	Pendry	Smith J E
Allen F E	Cunningham	Kavanaugh	Perham	Smith J T
Allen J G	Dodd	Knapp	Perry	Standart
Anderson	Dowling	La Petra	Phillips	Steele
Apgar	Etsel	La Rue	Plank	Sullivan
Becker	Everett	Leggett	Platt	Tenjost
Bedell	Fish	Lewis	Pratt	Thompson G F
Beebe	Fitzsimons	Machacek	Prentice	Thompson J A
Beihlf	Foster	Maier	Prince	Thonet
Bird	Freidel	Malloy	Quinn	Tompkins
Bisland	Fuller	Mathews T F	Reilly	Waddell
Brady	Gardner	Matthews C R	Rigby	Wade
Brooks	Gates	McKeown	Rogers	Wagner
Burnett	Grady	McManus	Rosenstein	Wainwright
Burns	Grattan	Mead	Salomon	Wedemeyer
Byrne	Gray	Merritt	Sammon	Wemple
Cadin	Gurnett	Monroe	Santee	Whitney F G
Callahan	Hackett	Moreland	Schoeneck	Whitney G H
Carrier	Hammond	Murphy	Scovill	Wilsnack
Caughlan	Hanford	Newton	Sheehy	Wilson
Charles E E	Hapeman	Nugent	Sheldon	Wolf
Charles W B	Hartman	Ogden	Sherry	Wood F C

Cooke	Hastings	O'Neill	Shuttleworth	Wood F X
Coon	Hooper	Parker	Slocum	Yale
Cotton	Hornidge	Patton	Smith A E	Young
Cowan	Hubbs			

In the negative:

Palmer

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 435) entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the Municipal Court of the city of New York, its officers and marshals,' in relation to the payment of money collected by marshals" (Int. No. 414), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115

NOES 00

Those who voted in the affirmative were:

Agnew	Etzel	La Rue	Plank	Standart
Allen F E	Evans	Leggett	Pratt	Stanley
Anderson	Everett	Lewis	Prentice	Steele
Bass	Fitzsimons	Machacek	Prince	Stevens
Becker	Foster	Maier	Quinn	Tenjost
Beebe	Francisco	Mathews T F	Reilly	Thompson G F
Bird	Freidel	Matthews C R	Rigby	Thompson J A
Bisland	Gardner	McKeown	Rogers	Thonet
Brady	Gates	McManus	Salomon	Tompkins
Brooks	Grady	Mead	Sammon	Wade
Burnett	Grattan	Merritt	Santee	Wagner
Burzynski	Gray	Miller	Schoeneck	Wadsworth
Cadin	Gurnett	Moreland	Scovill	Wainwright
Callahan	Hammond	Murphy	Sheehy	Wedemeyer
Carrier	Hanford	Newton	Sheldon	Wemple
Charles E E	Hapeman	Nugent	Sherry	Whitney F G
Cooke	Hartman	Ogden	Shuttleworth	Wiegand
Cotton	Hornidge	O'Neill	Slocum	Wilsnack
Coutant	Hooper	Parker	Smith A P	Wolf
Cox	Hubbs	Patton	Smith A E	Wood F C
Cunningham	Hurd	Pendry	Smith J E	Wood F X
Dodd	Kavanaugh	Perry	Smith J T	Yale
Dowling	Knapp	Phillips	Smith R H	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 54)<sup>A</sup> entitled "An act for the relief of persons, firms and corporations who rendered services and furnished labor or material which was used in constructing the state armory in the late village, now city of Tonawanda, Erie county, N. Y." (Int. No. 54), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 109

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hastings	Phillips	Standart
Allen F E	Coutant	Hooker	Plank	Steele
Allen J G	Cox	Hornidge	Platt	Stevens
Apgar	Cunningham	Hubbs	Pratt	Tenlost
Bass	Dale	Kavanaugh	Prince	Thompson G F
Becker	Donovan	La Fetra	Quinn	Thompson J A
Bedell	Ellis	La Rue	Reilly	Tompkins
Beebe	Evans	Leggett	Rigby	Wade
Beihlf	Fish	Machacek	Rogers	Wagner
Bisland	Fitzsimons	Maier	Rosenstein	Wadsworth
Brady	Foster	Mathews T F	Salomon	Wedemeyer
Burnett	Francisco	Matthews C R	Santee	West
Burns	Fuller	McKeown	Schoeneck	Wemple
Byrne	Gardner	Mead	Scovill	Whitney F G
Cadin	Gates	Merritt	Shanahan	Thompson J A
Cahn	Grady	Monroe	Sheehy	Wiegand
Callahan	Gurnett	Murphy	Sherry	Wilsnack
Caughlan	Gray	Nugent	Shuttleworth	Wolf
Charles E E	Gurnett	O'Neill	Slocum	Wood F X
Charles W B	Hammond	Parker	Smith A E	Yale
Cooke	Hanford	Patton	Smith J T	Young
Coon	Hartman	Perham	Smith R H	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 537) entitled "An act to amend the Code of Civil Procedure in relation to the Brooklyn Law School of Saint Law-

rence University" (Int. No. 55), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	La Rue	Platt	Smith R H
Allen F E	Dale	Lewis	Pratt	Standart
Anderson	Dodd	Machacek	Prentice	Stanley
Apgar	Dowling	Malloy	Prince	Steele
Bass	Ellis	Mathews T F	Quinn	Stevens
Becker	Etzel	Matthews C R	Reeve	Sullivan
Bedell	Evans	McKeown	Reilly	Tenjust
Beebe	Fitzsimons	McManus	Rogers	Thompson G F
Beihlf	Foster	Mead	Rosenstein	Thompson J A
Bisland	Freidel	Merritt	Salomon	Tompkins
Brady	Gardner	Miller	Sammon	Waddell
Brooks	Grady	Monroe	Santee	Wade
Burnett	Gray	Moreland	Schoeneck	Wadsworth
Burns	Gurnett	Murphy	Scovill	Wainwright
Burzynski	Hammond	Newton	Shanahan	Wedemeyer
Cadin	Hapeman	Ogden	Sheehy	West
Callahan	Hartman	O'Neill	Sheldon	Whitney F G
Caughlan	Hastings	Palmer	Shuttleworth	Wiegand
Charles W B	Hooper	Parker	Slocum	Wilsnack
Cooke	Hornidge	Patton	Smith A P	Wilson
Coon	Hurd	Pendry	Smith A E	Wolf
Cotton	Kavanaugh	Perham	Smith J E	Wood F X
Coutant	Knapp	Perry	Smith J T	Young
Cowan	La Fetra	Phillips		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 692) entitled "An act to legalize and confirm the official acts of various notaries public and commissioners of deeds, done and performed in the State of New York after the expiration of the several and respective terms of office, after change of residence or after their failure to take and file their respective oaths of office or otherwise qualify according to law, between the 24th day of March, 1904, and the passage of this act" (Int. No. 142), was read the third time, having been printed



and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Leggett	Phillips	Smith A P
Allen F E	Cox	Lewis	Plank	Smith J E
Allen J G	Dale	Machacek	Platt	Smith J T
Anderson	Dodd	Maier	Pratt	Smith R H
Apgar	Donovan	Mathews T F	Prentice	Standart
Bass	Dowling	Matthews C R	Prince	Stanley
Becker	Etzel	McKeown	Quinn	Steele
Bedell	Evans	McManus	Reeve	Stevens
Beihlf	Fish	Mead	Reilly	Sullivan
Bird	Foelker	Merritt	Rigby	Thompson G F
Bisland	Francisco	Miller	Rogers	Thompson J A
Brady	Fuller	Monroe	Rosenstein	Thonet
Brooks	Gates	Moreland	Salomon	Waddell
Burnett	Grady	Murphy	Sanmon	Wagner
Burns	Gurnett	Newton	Santee	Wainwright
Burzynski	Hammond	Nugent	Schoeneck	Wedemeyer
Byrne	Hapeman	Ogden	Scovill	Wemple
Cadin	Hastings	O'Neill	Shanahan	Whitney G H
Callahan	Hooker	Palmer	Sheehy	Wilsnack
Carrier	Hornidge	Parker	Sheldon	Wolf
Charles E E	Hurd	Patton	Sherry	Wood F C
Cooke	Knapp	Pendry	Shuttleworth	Yale
Coon	La Fetra	Perham	Slocum	Young
Cotton	La Rue	Perry		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 693) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of James R. Angel against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (Int. No. 166), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were :

Agnew	Cowan	Hubbs	Patton	Smith J T
Allen F E	Cox	Hurd	Pendry	Smith R H
Allen J G	Cunningham	Kavanaugh	Perham	Stanley
Anderson	Dodd	Knapp	Perry	Steele
Apgar	Donovan	La Fetra	Phillips	Stevens
Bass	Dowling	La Rue	Plank	Sullivan
Becker	Etzel	Leggett	Platt	Tenjost
Bedell	Evans	Machacek	Pratt	Thompson G F
Beebe	Everett	Maier	Prentice	Thompson J A
Beihlf	Fish	Malloy	Prince	Tompkins
Bisland	Fitzsimons	Matthews T F	Quinn	Waddell
Brady	Foelker	Matthews C R	Reeve	Wade
Brooks	Foster	McKeown	Rigby	Wadsworth
Burnett	Francisco	McManus	Rosenstein	Wainwright
Burns	Fuller	Mead	Salomon	Wedemeyer
Burzynski	Gardner	Merritt	Sammon	West
Byrne	Gates	Miller	Santee	Wemple
Cahn	Grady	Monroe	Scovill	Whitney G H
Callahan	Gray	Moreland	Shanahan	Wiegand
Carrier	Gurnett	Murphy	Sheehy	Wilsnack
Caughlan	Hammond	Newton	Sheldon	Wilson
Charles E E	Hanford	Nugent	Sherry	Wolf
Charles W B	Hapeman	Ogden	Shuttleworth	Wood F C
Cooke	Hastings	O'Neill	Slocum	Wood F X
Coon	Hooker	Palmer	Smith A P	Yale
Cotton	Hooper	Parker	Smith J E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 694) entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William Gard, against the State of New York for damages alleged to have been sustained by him at the Auburn State prison, on or about the 16th day of February, 1903" (Int. No. 168), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 110

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	La Rue	Plank	Stanley
Allen F E	Dodd	Lewis	Platt	Steele
Anderson	Dowling	Machacek	Prentice	Stevens
Bass	Ellis	Maier	Prince	Sullivan
Becker	Etzel	Malloy	Quinn	Thompson G F
Beebe	Everett	Mathews T F	Reeve	Thonet
Beihlf	Fish	Matthews C R	Reilly	Tompkins
Bird	Fitzsimons	McManus	Rigby	Waddell
Brady	Foster	Mead	Rosenstein	Wagner
Brooks	Freidel	Merritt	Salomon	Wadsworth
Burns	Gates	Miller	Sammon	Wainwright
Burzynski	Grattan	Moreland	Santee	West
Byrne	Gurnett	Murphy	Schoeneck	Wemple
Cadin	Hammond	Newton	Shanahan	Whitney F G
Cahn	Hapeman	Ogden	Sheehy	Whitney G H
Carrier	Hartman	O'Neill	Sherry	Wiegand
Charles E E	Hastings	Palmer	Shuttleworth	Wilsnack
Charles W B	Hooper	Patton	Slocum	Wilson
Cooke	Hornidge	Pendry	Smith A P	Wolf
Cotton	Hubbs	Perham	Smith J E	Wood F C
Coutant	Kavanaugh	Perry	Smith J T	Yale
Cox	Knapp	Phillips	Standart	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 173) entitled "An act to provide for the erection of a new armory building in the city of Oswego, N. Y., the acquisition of a site for the same, and making an appropriation therefor; and providing for the sale of the old armory site and buildings and the application of the proceeds to such new building, and for other purposes relative to the same" (Int. No. 173), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Leggett	Phillips	Stevens
Allen F E	Dale	Moreland	Platt	Sullivan
Allen J G	Donovan	Malloy	Prentice	Thompson G F
Anderson	Dowling	Mathews T F	Quinn	Thompson J A

Apgar	Etzel	Matthews C R	Reeve	Thonet
Becker	Everett	McKeown	Reilly	Tompkins
Beihilf	Fitzsimons	McManus	Rogers	Waddell
Bird	Francisco	Mead	Rosenstein	Wagner
Bisland	Fuller	Merritt	Sammon	Wadsworth
Brooks	Gates	Miller	Schoeneck	Wainwright
Burnett	Grady	Monroe	Shanahan	West
Burns	Gray	Moreland	Sheehy	Wemple
Byrne	Hackett	Murphy	Sherry	Whitney F G
Cadin	Hanford	Newton	Slocum	Wiegand
Callahan	Hartman	Nugent	Smith A P	Wilson
Caughlan	Hastings	O'Neill	Smith J E	Wilsnack
Charles E E	Hooker	Palmer	Smith J T	Wolf
Coon	Hornidge	Parker	Standart	Wood F X
Cotton	Kavanaugh	Pendry	Stanley	Yale
Cowan	La Fetra	Perham	Steele	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 638) entitled "An act to legalize the proceedings of the town board of the town of Granger, county of Allegany, and the proceedings and resolution of the board of supervisors of Allegany county, in respect to the issue of bonds by such town to pay certain indebtedness thereof" (Int. No. 465), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hornidge	Palmer	Standart
Allen F E	Dodd	Hurd	Patton	Stanley
Allen J G	Dowling	Kavanaugh	Pendry	Steele
Apgar	Ellis	La Fetra	Perry	Sullivan
Bass	Evans	Leggett	Plank	Thompson G F
Bedell	Fish	Lewis	Pratt	Thompson J A
Beihilf	Fitzsimons	Machacek	Prince	Tompkins
Bisland	Foelker	Malloy	Reeve	Wade
Brady	Foster	Mathews T F	Rigby	Wiegand
Burnett	Freidel	Matthews C R	Rosenstein	Wainwright
Burns	Fuller	McKeown	Sammon	West
Byrne	Gardner	McManus	Schoeneck	Wemple
Cahn	Gates	Mead	Shanahan	Whitney G H
Callahan	Grattan	Merritt	Sheldon	Wilsnack

Caughlan	Gurnett	Monroe	Shuttleworth	Wilson
Charles E E	Hackett	Moreland	Slocum	Wolf
Cooke	Hammond	Murphy	Smith A E	Wood F C
Coon	Hapeman	Newton	Smith J E	Wood F X
Coutant	Hastings	Ogden	Smith J T	Yale
Cox	Hooker	O'Neill	Smith R H	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 691) entitled "An act to legalize, and to provide for the payment of, bonds of union free school district No. 5 of the town of Cornwall, in the county of Orange, directed to be issued for the payment of the cost of erecting a new school-house in said district, and for the purchase of a new site for such schoolhouse" (Int. No. 230), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	La Rue	Pratt	Standart
Allen F E	Dowling	Leggett	Prentice	Steele
Allen J G	Ellis	Lewis	Quinn	Stevens
Apgar	Evans	Maier	Reeve	Sullivan
Bass	Fish	Mathews T F	Reilly	Thompson G F
Beebe	Foelker	Mathews C R	Rogers	Thompson J A
Beihliff	Freidel	McKeown	Rosenstein	Tompkins
Bisland	Fuller	McManus	Salomon	Wade
Brooks	Gardner	Mead	Santee	Wadsworth
Burnett	Grady	Merritt	Schoeneck	Wainwright
Burzynski	Grattan	Monroe	Scovill	Wedemeyer J
Cadin	Gurnett	Moreland	Shanahan	West
Cahn	Hackett	Newton	Sheehy	Whitney F G
Carrier	Hanford	Ogden	Sheldon	Whitney G H
Charles E E	Hartman	O'Neill	Shuttleworth	Wiegand
Cooke	Hooker	Parker	Slocum	Wilson
Coon	Hooper	Patton	Smith A P	Wolf
Coutant	Hubbs	Perham	Smith A E	Wood F C
Cox	Kavanaugh	Phillips	Smith J T	Yale
Dale	Knapp	Platt	Smith R H	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.



The bill (No. 699) entitled "An act to amend the Real Property Law, relative to the postponement or subordination of liens upon real property" (Int. No. 210), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	La Rue	Phillips	Steele
Allen F E	Ellis	Lewis	Platt	Sullivan
Allen J G	Etzel	Machacek	Pratt	Thompson G F
Apgar	Everett	Malloy	Prince	Thompson J A
Bass	Fitzsimons	Mathews T F	Reeve	Tompkins
Bedell	Foelker	Matthews C R	Reilly	Waddell
Beihilf	Francisco	McKeown	Rogers	Wade
Bird	Fuller	McManus	Rosenstein	Wagner
Brady	Gardner	Mead	Sammon	Wadsworth
Burnett	Grady	Miller	Santee	Wedemeyer
Burzynski	Gray	Monroe	Scovill	West
Cadin	Gurnett	Moreland	Shanahan	Wemple
Callahan	Hammond	Murphy	Sheehy	Whitney G H
Caughlan	Hanford	Newton	Sherry	Wilsnack
Charles W B	Hartman	Ogden	Shuttleworth	Wilson
Cooke	Hastings	O'Neill	Smith A P	Wolf
Coon	Hooker	Parker	Smith A E	Wood F C
Coutant	Hornidge	Patton	Smith J T	Wood F X
Cox	Hurd	Pendry	Smith R H	Yale
Dale	Knapp	Perry	Stanley	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 268, Assembly reprint No. 704) entitled "An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds" (Rec. No. 24), was read the third time, having been printed and

upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	La Petra	Phillips	Standart
Allen F E	Dale	Leggett	Plank	Steele
Allen J G	Donovan	Lewis	Pratt	Stevens
Anderson	Etzel	Machacek	Prince	Sullivan
Bass	Everett	Maier	Quinn	Thompson G F
Becker	Fitzsimons	Mathews T F	Reilly	Thonet
Bedell	Foster	Matthews C R	Rigby	Tompkins
Beebe	Freidel	McKeown	Rosenstein	Wade
Bird	Gardner	McManus	Sammon	Wadsworth
Bisland	Grady	Mead	Santee	Wainwright
Brooks	Gray	Merritt	Scovill	Wedemeyer
Burns	Gurnett	Miller	Shanahan	Wemple
Byrne	Hammond	Moreland	Sheehy	Whitney G H
Cahn	Hapeman	Newton	Sheldon	Wiegand
Carrier	Hartman	Ogden	Shuttleworth	Wilsnack
Charles E E	Hastings	O'Neill	Slocum	Wilson
Cooke	Hooper	Palmer	Smith A E	Wolf
Cotton	Hubbs	Parker	Smith J E	Wood F C
Coutant	Kavanaugh	Pendry	Smith J T	Yale
Cowan	Knapp	Perham	Smith R H	Young

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

The bill (No. 705) entitled "An act to provide for an enumeration of the inhabitants of this State, and making an appropriation therefor" (Int. No. 304), having been announced for a second reading,

On motion of Mr. Rogers, said bill was laid aside, retaining its place on the order of second reading.

The bill (No. 720) entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season for trout in Tompkins county" (Int. No. 640), was read the second time.

On motion of Mr. Monroe, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 687) entitled "An act to amend section 20 of the Agricultural Law, entitled 'An act in relation to Agriculture, constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws'" (Int. No. 621), having been announced for a second reading,

On motion of Mr. Bedell, said bill was recommitted to the committee on agriculture, retaining its place on the order of second reading.

The bill (No. 528) entitled "An act to transfer to the city of New York the Normal and Training school in the borough of Queens, city of New York, formerly in the village of Jamaica and county of Queens" (Int. No. 487), was read the second time.

On motion of Mr. Wilsnack, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 86) entitled "An act to amend an act entitled, 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Albany county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail in the city of Albany and fix the duties and compensation of the sheriff of said county and of certain employees in the jail in said city,' in relation to the salary of the under sheriff, the residence of the jailer and the furnishing of the offices of the sheriff and jailer" (Rec. No. 25), was read the second time.

On motion of Mr. Mead, said bill was placed on the order of third reading.

On motion of Mr. Mead, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooper	Palmer	Smith R H
Allen F E	Cowan	Hornidge	Patton	Standart
Allen J G	Cox	Hurd	Pendry	Steele
Apgar	Dale	Knapp	Perry	Sullivan
Bass	Dodd	La Fetra	Plank	Thompson G F
Becker	Donovan	Leggett	Platt	Thompson J A
Beihlf	Ellis	Lewis	Prince	Tompkins
Bird	Evans	Maier	Reeve	Wade
Bisland	Everett	Malloy	Reilly	Wagner
Brady	Fitzsimons	Matthews C R	Rogers	Wainwright
Brooks	Foelker	McKeown	Salomon	West
Burnett	Francisco	McManus	Santee	Wemple
Burzynski	Fuller	Mead	Schoeneck	Whitney F G
Cadin	Gardner	Merritt	Shanahan	Wiegand
Cahn	Grady	Miller	Sheldon	Wilson
Carrier	Grattan	Monroe	Sherry	Wolf
Charles E E	Hackett	Moreland	Slocum	Wood F C
Cooke	Hanford	Newton	Smith A H	Yale
Coon	Hapeman	Nugent	Smith J E	Young
Cotton	Hastings	O'Neill		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 210) entitled "An act to amend chapter 342 of the Laws of 1902, entitled 'An act to make the office of supervisor in the county of Westchester a salaried office and to regulate the sessions of the board of supervisors in said county,' relative to temporary loans " (Rec. No. 33), was read the second time.

On motion of Mr. Apgar, said bill was placed on the order of third reading.

On motion of Mr. Apgar, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hooker	Nugent	Smith J T
Allen F E	Cunningham	Hooper	O'Neill	Smith R H
Anderson	Dale	Hornidge	Parker	Stanley
Apgar	Dodd	Hubbs	Pendry	Stevens
Bass	Dowling	Hurd	Perham	Tenjost
Bedell	Ellis	Knapp	Perry	Thompson J A
Beebe	Evans	La Fetra	Platt	Thonet
Bird	Everett	Leggett	Pratt	Waddell
Bisland	Fish	Lewis	Quinn	Wagner
Brooks	Foelker	Maier	Reeve	Wainwright
Burnett	Francisco	Mathews T F	Rigby	Wedemeyer
Burzynski	Freidel	Mathews C R	Rosenstein	Wemple
Cadin	Gardner	McKeown	Salomon	Whitney G H
Cahn	Grady	McManus	Santee	Wiegand
Carrier	Grattan	Mead	Scovill	Wilson
Callahan	Gurnett	Merritt	Sheehy	Wolf
Charles W B	Hackett	Miller	Sherry	Wood F C
Cooke	Hanford	Monroe	Shuttleworth	Yale
Cotton	Hapeman	Murphy	Smith A P	Young
Coutant	Hastings	Newton		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment.

"An act to release to Courtney C. Douglas, the right, title and interest of the people of the State of New York acquired by escheat in and to certain real estate in the city of New York." (No. 506, Int. No. 80.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

"An act to amend the Forest, Fish and Game Law, in relation to the meshes of nets used in Lake Erie." (No. 249, Int. No. 249.)

"An act to amend the Stock Corporations Law relative to order of court upon application by a municipal corporation for order to issue new in place of lost certificate of stock." (No. 92, Int. No. 92.)

"An act to amend chapter 480 of the Laws of 1894, entitled 'An act in relation to the village of Fredonia,' in relation to the collector." (No. 250, Int. No. 250.)



“An act to amend chapter 106 of the Laws of 1891, entitled ‘An act to revise, consolidate, and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,’ relative to elections, the submission of tax propositions, and the qualifications of voters.” (No. 425, Int. No. 194.)

Ordered, That the Clerk deliver said bills to the Governor.

A communication was received from Hon. W. F. Coleman, mayor of the city of Elmira, returning Assembly bill No. 221, entitled “An act to provide for the building of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof”(Int. No. 221), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Rogers, the House adjourned.

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## FRIDAY, FEBRUARY 24, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Burnett, the reading of the journal of yesterday was dispensed with and the same was approved.

The Senate sent for concurrence the Senate bill (No. 401) entitled “An act authorizing the town board of the town of Oneonta to appropriate certain moneys to the Aurelia Osborn Fox Memorial Hospital Society of Oneonta” (Rec. No. 80), which was read the first time.

On motion of Mr. Bass, and by unanimous consent, said bill was read the second time and ordered to a third reading.

On motion of Mr. Bass, and by unanimous consent said bill read the third time, having been printed and upon the desks of

the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hubbs	Patton	Smith R H
Allen J G	Cox	Hurd	Pendry	Stanley
Allen F E	Cunningham	Knapp	Perham	Stevens
Anderson	Dodd	La Rue	Phillips	Tenjost
Apgar	Dowling	Leggett	Platt	Thompson J A
Becker	Etzel	Lewis	Prentice	Tompkins
Beebe	Everett	Machacek	Prince	Wade
Beihilf	Fitzsimons	Malloy	Quinn	Wagner
Bird	Foster	Mathews T F	Reeve	Wadsworth
Brady	Francisco	Matthews C R	Reilly	Wedemeyer
Brooks	Fuller	McKeown	Rogers	West
Burnett	Gardner	McManus	Salomon	Whitney F G
Burzynski	Grady	Mead	Schoeneck	Whitney G H
Byrne	Gray	Merritt	Scovill	Wiegand
Cahn	Hackett	Monroe	Shanahan	Wilsnack
Callahan	Hanford	Moreland	Sheehy	Wilson
Carrier	Hartman	Murphy	Sherry	Wolf
Charles E E	Hastings	Newton	Slocum	Wood F X
Cooke	Hooper	Ogden	Smith A E	Yale
Cotton	Hornidge	Palmer	Smith J T	Young

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Becker introduced a bill entitled "An act to amend the County Law relating to county jails" (Int. No. 749), which was read the first time and referred to the committee on internal affairs.

Mr. Bedell introduced a bill entitled "An act to amend the Railroad Law, in relation to the inspection of locomotive boilers" (Int. No. 750), which was read the first time and referred to the committee on railroads.

Mr. Cadin introduced a bill entitled "An act to amend chapter 594 of the Laws of 1899, entitled 'An act authorizing boards of supervisors to acquire the rights, franchises and property of in-

dividuals and corporations exacting toll for the use of turnpikes and plank roads and bridges,' relative to the application of said act to the county of Onondaga " (Int. No. 751), which was read the first time and referred to the committee on internal affairs.

Mr. Coutant introduced a bill entitled "An act providing for the assessment of certain lands in the county of Ulster " (Int. No. 752), which was read the first time and referred to the committee on internal affairs.

Mr. Cunningham introduced a bill entitled "An act relating to overseers of the poor in the town of Wawarsing, county of Ulster, fixing their compensation, prescribing their powers and duties, and dividing such town into poor districts " (Int. No. 753), which was read the first time and referred to the committee on internal affairs.

Mr. Ellis introduced a bill entitled "An act to amend section 1089 of the Greater New York charter relative to the department of education " (Int. No. 754), which was read the first time and referred to the committee on affairs of cities.

Mr. Fuller introduced a bill entitled "An act to repeal chapter 117 of the Laws of 1901, entitled 'An act to amend the Tax Law in relation to the taxation of savings banks' " (Int. No. 755), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Hartman introduced a bill entitled "An act to amend the Greater New York charter, relative to the employment of married women as teachers " (Int. No. 756), which was read the first time and referred to the committee on affairs of cities.

Mr. Hornidge introduced a bill entitled "An act to amend section 5 of chapter 909 of the Laws of 1896, known as the Election Law " (Int. No. 757), which was read the first time and referred to the committee on the judiciary.

Mr. La Rue introduced a bill entitled "An act to provide for the adoption of uniform text books for use in the public schools in Jefferson county " (Int. No. 758), which was read the first time and referred to the committee on public education.

Mr. C. R. Matthews introduced a bill entitled "An act to amend chapter 308 of the Laws of 1904, entitled 'An act relating to the issue of bonds for street improvements in the village of Saranac Lake, county of Franklin,' relative to the issue of bonds for the extension and improvement of the sewer and water systems" (Int. No. 759), which was read the first time and referred to the committee on affairs of villages.

Mr. Nugent introduced a bill entitled "An act to provide for a lien on automobiles and motor vehicles in favor of garage keepers" (Int. No. 760), which was read the first time and referred to the committee on general laws.

Mr. Prentice introduced a bill entitled "An act to amend the Greater New York charter in relation to probation officers" (Int. No. 761), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act authorizing the comptroller of the city of New York to hear, audit, determine and allow the alleged claim of William Booth for furnishing work, labor and materials, in grading, regulating and curbing certain highways and avenues in the town of Newtown, in the borough of Queens, city of New York, and to provide for the payment of such claim" (Int. No. 762), which was read the first time and referred to the committee on affairs of cities.

Mr. Rigby introduced a bill entitled "An act to prevent discrimination against passengers in local trains in favor of those on through express trains by prohibiting the delaying of local trains when made for the purpose of giving through express or other trains right of way over them" (Int. No. 763), which was read the first time and referred to the committee on railroads.

Mr. Standart introduced a bill entitled "An act to amend chapter 369 of the Laws of 1895, entitled 'An act creating a commissioner of jurors for each county of the state having a certain population, and regulating and prescribing his duties; also providing in what manner jury lists shall be made up and jurors drawn and notified in the courts of record in such coun-

ties, and how they may be exempt or excused, and the length of service of such jurors,' and the acts amendatory thereof, in relation to the qualifications of jurors" (Int. No. 764), which was read the first time and referred to the committee on the judiciary.

Mr. Sullivan introduced a bill entitled "An act to amend the Greater New York charter, relative to relief and pension fund of the fire department" (Int. No. 765), which was read the first time and referred to the committee on affairs of cities.

Mr. Tenjost introduced a bill entitled "An act to regulate fire insurance companies doing business in the state of New York" (Int. No. 766), which was read the first time and referred to the committee on insurance.

Mr. Tompkins introduced a bill entitled "An act to amend the Greater New York charter so as to authorize the issue of corporate stock in order to provide for deficiencies arising from uncollectable taxes" (Int. No. 767), which was read the first time and referred to the committee on affairs of cities.

Mr. Wainwright introduced a bill entitled "An act to amend the Military Code, in relation to allowances to enlisted men, and the loss or damage of State property" (Int. No. 768), which was read the first time and referred to the committee on internal affairs.

Mr. G. H. Whitney introduced a bill entitled "An act to legalize and provide for the payment of bonds of the town of Moreau in the county of Saratoga, directed to be issued by the board of supervisors of said county, for the purpose of defraying the cost of constructing a new bridge in said town" (Int. No. 769), which was read the first time and referred to the committee on internal affairs.

Mr. Wilsnack introduced a bill entitled "An act to provide for the erection of a court house in the county of Queens, and authorizing the acquisition of a site therefor" (Int. No. 770), which was read the first time and referred to the committee on affairs of cities.

Mr. Yale introduced a bill entitled "An act to amend the



Forest, Fish and Game Law, relative to close season for lake trout in Putnam county" (Int. No. 771), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to regulate the cutting and harvesting of ice in the public waters of the State" (Int. No. 772), which was read the first time and referred to the committee on general laws.

Mr. Monroe introduced a bill entitled "An act for the protection of the public health of the city of Ithaca" (Int. No. 773), which was read the first time and referred to the committee on public health.

Mr. Hapeman introduced a bill entitled "An act to amend chapter 463 of the Laws of 1904, entitled 'An act authorizing the flushing of paved streets within the city of Auburn, and providing the method and means of payment thereof'" (Int. No. 774), which was read the first time and referred to the committee on affairs of cities.

Mr. Prentice introduced a bill entitled "An act to amend the Penal Code in relation to crimes against the elective franchises" (Int. No. 775), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Election Law, generally" (Int. No. 776), which was read the first time and referred to the committee on the judiciary.

Mr. Sullivan introduced a bill entitled "An act making an appropriation to pay the State's proportion of the expense of altering the grade crossing of the Long Island railroad at Fresh Pond road and Metropolitan avenue, in the Second ward of the borough of Queens, city of New York" (Int. No. 777), which was read the first time and referred to the committee on ways and means.

Mr. Becker introduced a bill entitled "An act to amend article 9 of chapter 20 of the Laws of 1900, by adding thereto sections 176-a, 176-b, 176-c, and 176-d, which added sections shall provide as follows" (Int. No. 778), which was read the first time and referred to the committee on fisheries and game.

Mr. Fish introduced a bill entitled "An act to amend section 23 of chapter 33 of the general laws, known as the Agricultural Law, in relation to the licensing of persons by the Commissioner of Agriculture and the powers and duties of such commissioner" (Int. No. 779), which was read the first time and referred to the committee on agriculture.

Mr. Hooper introduced a bill entitled "An act to amend the Village Law, relating to the number of members of hose companies" (Int. No. 780), which was read the first time and referred to the committee on affairs of villages.

Mr. Patton introduced a bill entitled "An act to revise the several acts relative to the city of Tonawanda" (Int. No. 781), which was read the first time and referred to the committee on affairs of cities.

Mr. Wade introduced a bill entitled "An act to amend the Liquor Tax Law, by providing a special license for the sale of domestic wine" (Int. No. 782), which was read the first time and referred to the committee on excise.

Also, a bill entitled "An act to provide for the representation of the State of New York at the Lewis and Clark Centennial Exposition, at Portland, Oregon, and reappropriating money heretofore appropriated for such purpose" (Int. No. 783), which was read the first time and referred to the committee on ways and means.

Mr. F. G. Whitney introduced a bill entitled "An act to amend the Forest, Fish and Game Law, in relation to fishing in Lake Ontario in Oswego county" (Int. No. 784), which was read the first time and referred to the committee on fisheries and game.

Mr. Phillips introduced a bill entitled "An act to amend the Penal Code in relation to adultery" (Int. No. 785), which was read the first time and referred to the committee on codes.

By unanimous consent,

Mr. Hartman introduced a bill entitled "An act to regulate the transmission of moneys to foreign countries by persons other than those exclusively engaged in the banking business in the

State of New York " (Int. No. 786), which was read the first time and referred to the committee on banks.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Gardner, Int. No. 572, entitled "An act to provide for public improvements in the city of Troy upon and in relation to Prospect park and the water works of said city" (No. 628), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. R. H. Smith, Int. No. 387, entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments and sales to the city of New York for assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly" (No. 419), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Callahan, Int. No. 561, entitled "An act to assess on the property benefited the cost and expense of constructing a bridge over the railroad tracks on Bronson avenue in the city of Rochester" (No. 624), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Gray, Int. No. 395, entitled "An act to amend sections 2, 4 and 5 of chapter 35 of the Laws of 1902, entitled 'An act creating a city court in and for the city of Poughkeepsie, N. Y.'" (No. 395), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which

was referred the bill introduced by Mr. Ogden, Int. No. 518, entitled "An act to amend chapter 347 of the Laws of 1890, entitled 'An act to provide for the payment of the cost and expense of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessment,' relating to the collection of assessments and installments thereof" (No. 567), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Moreland, Int. No. 580, entitled "An act to amend section 188 of chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira,' as amended by chapter 43 of the Laws of 1901, and chapter 367 of the Laws of 1904 in relation to the officers of the police force and their duties" (No. 647), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. McKeown, Int. No. 425, entitled "An act to empower the board of assessors of the city of New York to estimate and allow damages sustained by owners of real property fronting upon streets and avenues approaching the bridge over the Gowanus canal at Hamilton avenue, borough of Brooklyn, in the city of New York" (No. 454), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Young, Int. No. 75, entitled "An act authorizing the board of estimate and apportionment of the city of New York to allow, and authorizing and directing the comptroller of the said city to pay certain claims incurred for the maintenance of the municipal court of the

city of New York, 12th district, Manhattan borough, during the year 1903" (No. 75), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. R. H. Smith, Int. No. 361, entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York, and directing the Comptroller to mark such assessments accordingly" (No. 361), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Callahan, Int. No. 433, entitled "An act to authorize the issue and sale of bonds by the city of Rochester, to provide money with which to pay the debt of said city incurred in paying certain interest on the water bonds of said city" (No. 462), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. F. E. Allen, Int. No. 502, entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof, relative to sale of lands for unpaid taxes or assessments" (No. 593), reported in favor of the passage of the same with the following amendments:

Page 14, line 16, after the word "cents" substitute a semicolon for the comma, and add the words "for recording certificate in county clerk's office, seventy-five cents."

Same page, line 17, after the word "certificates" insert the words "and county clerk's fee for recording thereof."

Same page, line 25, after the word "fees" insert the words "except the fee paid to the county clerk for recording certificate."

Page 15, line 6, after the word "served" strike out the period



and add the words "and the sum of two dollars for searches for incumbrances."

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. G. F. Thompson, Int. No. 626, entitled "An act to amend the charter of the city of Lockport, generally" (No. 703), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 8, line 10, at the end of the line insert the words "The office of fire warden is hereby abolished."

Page 9, line 11, after the word "hundred" underscore the remainder of line and all of line 12.

Page 15, line 12, strike out all of lines 12 and 13.

Same page, line 14, strike out the figure "3" and insert the figure "2."

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Young, Int. No. 315, entitled "An act to authorize the comptroller of the city of New York and corporation counsel, on behalf of said city, to compromise, settle, cancel, annul and discharge certain taxes, assessments, and water rates and interest thereon, levied upon the property owned by George J. Greenfield, Henry Greenfield and Elizabeth M. Greenfield, situated in the Twelfth ward of the city of New York, borough of Manhattan" (No. 315), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 1, line 2, after the word "advise" insert the words "and consent."

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hornidge, Int. No. 350, entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (No. 350), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 2, at the end of line 8, add new section as follows:

"§ 2. This act shall take effect immediately."

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Cahn, Int. No. 399, entitled "An act to provide for the extension of Exterior street from East Eighty-first street to East Eighty-second street in the borough of Manhattan, city of New York" (No. 399), reported the same with the following amendment, and request that said bill be recommitted to said committee:

Page 1, line 1, after the word "apportionment" strike out the words "is hereby directed to" and insert the words "may in its discretion."

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Warnick, Rec. No. 30, entitled "An act to amend chapter 131 of the Laws of 1885, entitled 'An act to incorporate the city of Amsterdam,' generally" (No. 232), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Carpenter, Rec. No. 75, entitled "An act to amend the Greater New York charter, relative to the powers of the board of estimate and apportionment" (No. 209), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Davis, Rec. No. 18, entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, in relation to the annual assessment rolls" (No. 62), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Carpenter, Rec. No. 76, entitled "An act to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of purchasing sites and erecting buildings for the use of the fire and police departments and to provide a sinking fund to pay principal and interest of said bonds" (No. 264), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Carpenter, Rec. No. 56, entitled "An act to authorize the common council of the city of Mount Vernon to use moneys now in the deficiency fund of said city to pay deficiencies in the sum appropriated for the support of the fire department" (No. 265), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Carpenter, Rec. No. 57, entitled "An act to amend chapter 402 of the Laws of

1903, entitled 'An act to repeal title 8 of chapter 182 of the Laws of 1892, entitled "An act to incorporate the city of Mount Vernon, and to insert therein a new title relating to the police department of said city" ' ' ' (No. 266), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Cooper, Rec. No. 22, entitled "An act in relation to the abolishment and removal of the Kings county penitentiary" (No. 276), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Steele, Int. No. 275, entitled "An act to amend chapter 266 of the Laws of 1903, entitled 'An act to provide for the holding of town meetings and elections in counties of the State having a certain population,' relative to the conduct of such town meetings and elections, the terms of town officers and the compensation of the clerks of the boards of supervisors in such counties" (No. 275), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wadsworth, Int. No. 542, entitled "An act to amend chapter 200 of the Laws of 1903, entitled 'An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office,' in relation to the appointment of clerks" (No. 586), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wadsworth, Int. No. 543, entitled "An act to amend chapter 260 of the Laws of 1903, entitled 'An act to make the office of sheriff of Livingston county

a salaried one in part, and to regulate the management thereof,' in relation to compensation of under-sheriff, jailer and attendants and deputy sheriffs" (No. 587), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Hornidge, Int. No. 478, entitled "An act to legalize, ratify and confirm certain contracts executed by a board of supervisors with the authorities of the county of Kings for the reception into the penitentiary of said county of persons sentenced to imprisonment in a county jail or penitentiary, and to authorize the payment of claims arising thereunder" (No. 520), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Gardner, Int. No. 444, entitled "An act to provide for the appointment of a deputy county treasurer, for the county of Rensselaer to act in the absence or inability of the treasurer of said county" (No. 473), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wainwright, Int. No. 526, entitled "An act to amend section 15 of the Town Law, relating to highway commissioners" (No. 573), reported in favor of the passage of the same with the following amendments:

Page 3, between lines 10 and 11, insert the following:

"§ 2. No town working the highways under the money system of taxation and where the office of highway commissioner is abolished by virtue of this section shall be excluded from the benefits of section fifty-three of the general highway law."

Page 3, line 11, strike out "2" and insert "3."

S. PERCY HOOKER,  
*Chairman.*



Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wainwright, Int. No. 459, entitled "An act to authorize the issuance and sale of bonds of the town of Greenburgh, in the county of Westchester, N. Y., in the aggregate principal sum of \$225,500 to provide for the expense of repairing, grading and macadamizing certain roads and highways in said town, to provide for security to be given by the supervisor of said town, and to provide for the raising of taxes to pay the principal and interest on said bonds as the same become due" (No. 489), reported in favor of the passage of the same with the following amendments:

Page 4, between lines 8 and 9 insert the following:

"§ 4. Nothing herein contained shall be construed to affect any litigation now pending."

Same page, line 9, strike out "4" and insert "5."

S. PERCY HOOKER,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. Malby, Rec. No. 4, entitled "An act to legalize and validate certain acts of the electors of the town of Oswegatchie, St. Lawrence county, N. Y., the town officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town" (No. 48), reported in favor of the passage of the same with the following amendment:

Page 3, line 11, after the word "immediately" insert the words "but shall not affect any action or proceeding pending in any court at the time it takes effect."

S. PERCY HOOKER,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. L'Hommedieu, Rec. No. 35, entitled "An act amending section 162 of the Town Law relating to auditing town accounts" (No. 328), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. Warnick, Rec. No. 74, entitled "An act to provide for the appointment of an assistant district attorney in Fulton county" (No. 85), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. J. T. Smith, from the committee on banks, to which was referred the bill introduced by Mr. O'Neill, Int. No. 19, entitled "An act to amend the Banking Law, in relation to the reports of trust companies" (No. 19), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. J. T. Smith, from the committee on banks, to which was referred the bill introduced by Mr. J. T. Smith, Int. No. 623, entitled "An act to amend the Banking Law, relative to securities in which deposits in savings banks may be invested" (No. 689), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

The bill (No. 345) entitled "An act to provide for the care, preservation and protection of the rock known as the 'Seneca Indian Council Rock,' in the town of Brighton, Monroe county, N. Y., and legalizing its existence in its present location" (Int. No. 322), was read the second time.

On motion of Mr. Becker, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 244) entitled "An act to amend the Religious Corporations Law, relative to the removal of remains from ceme-

teries and church grounds " (Int. No. 244), was read the second time.

On motion of Mr. Wilson, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 485) entitled "An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' relative to the bond of the treasurer of the New York State School for the Blind " (Int. No. 455), was read the second time.

On motion of Mr. Santee, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 96) entitled "An act to amend section 640 of the Penal Code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this State " (Int. No. 96), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 564) entitled "An act to consolidate the consolidated corporation now existing under the name of 'The Mohawk and Hudson River Humane Society' with the corporations known as 'The Saratoga Society for the Prevention of Cruelty to Children,' and 'The Columbia County Society for the Prevention of Cruelty to Children,' and to define the powers and duties of the corporation as so consolidated " (Int. No. 514), was read the second time.

On motion of Mr. Mead, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 370) entitled "An act to amend the Agricultural Law, relative to foods adulterated with methyl or wood alcohol " (Int. No. 370), was read the second time.

On motion of Mr. C. R. Matthews, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 543) entitled "An act to amend chapter 865 of the laws of 1871, entitled 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' in rela-

tion to the membership of said association, its constitution and by-laws, reducing the number of its managers and trustees, providing for their election, and regulating the use of its premises" (Int. No. 485), was read the second time.

On motion of Mr. Wemple, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 674) entitled "An act to amend the Code of Criminal Procedure, in relation to the salaries of probation officers" (Int. No. 608), was read the second time.

On motion of Mr. Prentice, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 600) entitled "An act to amend section 600 of the Penal Code" (Int. No. 549), having been announced for a second reading,

On motion of Mr. Burnett, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 578) entitled "An act to amend section 103 of the Railroad Law, with respect to the abandonment of part of route, temporary removal of rails, temporary discontinuance of operation and relocation of railroads and routes" (Int. No. 532), having been announced for a second reading,

On motion of Mr. McKeown, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 493) entitled "An act to amend the Public Health Law, in relation to the prosecution of violations of the law, in regard to the practice of medicine" (Int. No. 463), having been announced for a second reading,

On motion of Mr. McKeown, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 305) entitled "An act providing for an addition to the site of the State Normal College at Albany, N. Y., and making an appropriation therefor" (Int. No. 290), was read the second time.

On motion of Mr. Mead, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 59) entitled "An act to amend the Navigation Law in relation to life preservers" (Int. No. 59), was read the second time.

On motion of Mr. Prentice, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 212) entitled "An act regulating the sanitary condition of bathing establishments, and amending section 212 of chapter 25 of the general public health laws, as amended by the Laws of 1893, being renumbered by the Laws of 1900, chapter 667; number of section being originally 202" (Int. No. 212), was read the second time.

On motion of Mr. Pendry, said bill was placed on the order of third reading.

On motion of Mr. Pendry, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hooker	Pendry	Smith R H
Allen F E	Dale	Hornidge	Perham	Stanley
Allen J G	Donovan	Hubbs	Perry	Steele
Anderson	Dowling	Hurd	Plank	Stevens
Apgar	Ellis	Knapp	Platt	Sullivan
Bass	Etzel	La Fetra	Pratt	Tenjust
Becker	Everett	Leggett	Prentice	Thompson G F
Beebe	Fish	Lewis	Prince	Thonet
Beihilf	Fitzsimons	Machacek	Quinn	Tompkins
Bird	Foelker	Malloy	Reeve	Waddell
Bisland	Foster	Mathews T F	Rigby	Wagner
Brady	Francisco	Matthews C R	Rogers	Wadsworth
Burnett	Freidel	McKeown	Rosenstein	Wedemeyer
Burns	Fuller	McManus	Salomon	West
Burzynski	Gardner	Mead	Sammon	Wemple
Cadin	Gates	Miller	Santee	Whitney F G



Cahn	Grady	Monroe	Schoeneck	Whitney G H
Carrier	Grattan	Moreland	Scovill	Wiegand
Caughlan	Gray	Murphy	Sheehy	Wilsnack
Charles E E	Gurnett	Newton	Sherry	Wilson
Charles W B	Hammond	Nugent	Shuttleworth	Wood F C
Coon	Hanford	Ogden	Slocum	Wood F X
Cotton	Hapeman	O'Neill	Smith A E	Yale
Coutant	Hartman	Palmer	Smith J E	Young
Cox	Hastings	Parker	Smith J T	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 369) entitled "An act to amend the Public Health Law, relative to the use of methyl or wood alcohol for adulterative purposes" (Int. No. 369), was read the second time.

On motion of Mr. C. R. Matthews said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 164) entitled "An act to amend the Election Law, relative to filling vacancies in nominations" (Rec. No. 32), was read the second time.

On motion of Mr. Ogden, said bill was placed on the order of third reading.

The Senate bill (No. 310) entitled "An act to further amend the charter of the Union Theological Seminary in the city of New York" (Rec. No. 60), was read the second time.

On motion of Mr. Agnew, said bill was placed on the order of third reading.

The Senate bill (No. 131) entitled "An act to amend the Religious Corporations Law, relative to filling vacancies in offices of church wardens and vestrymen" (Rec. No. 27), was read the second time.

On motion of Mr. Cox said bill was placed on the order of third reading.

The Senate bill (No. 358) entitled "An act to legalize bonds of the village of Painted Post to be issued for the purpose contemplated by chapter 483 of the Laws of 1904 and to legalize all proceedings in relation thereto, including the appointment and proceedings of the board of river commissioners thereunder and the special election of the inhabitants of said village held there-

under on the 25th day of June, 1904" (Rec. No. 73), was read the second time.

On motion of Mr. Platt, said bill was placed on the order of third reading.

The Senate bill (No. 28) entitled "An act to amend section 1086 of the Code of Civil Procedure relative to excusing jurors" (Rec. No. 52), was read the second time.

On motion of Mr. Prentice, said bill was placed on the order of third reading.

The bill (No. 497) entitled "An act to amend chapter 261 of the Laws of 1852, entitled 'An act to incorporate the New York College of Dental Surgery,' changing its name, increasing the number of trustees, extending its powers to hold property, authorizing its consolidation with other institutions, relating to its by-laws and the conferring of degrees by such institutions, and ratifying its consolidation with the New York Dental School" (Int. No. 467), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hubbs	Pendry	Smith J E
Allen F E	Cowan	Kavanaugh	Perham	Smith J T
Allen J G	Cox	La Fetra	Perry	Standart
Anderson	Cunningham	La Rue	Phillips	Stanley
Apgar	Dale	Leggett	Plank	Steele
Bass	Donovan	Machacek	Platt	Stevens
Becker	Dowling	Maier	Pratt	Tenjost
Bedell	Ellis	Malloy	Prince	Thompson G F
Beebe	Etzel	Mathews T F	Quinn	Thompson J A
Beihlf	Fish	Matthews C R	Reeve	Thonet
Bird	Fitzsimons	McKeown	Reilly	Waddell
Brady	Foster	McManus	Rigby	Wade
Brooks	Francisco	Mead	Rosenstein	Wagner
Burnett	Fuller	Merritt	Salomon	Wainwright
Burzynski	Gardner	Miller	Sammon	Wedemeyer
Byrne	Gates	Monroe	Santee	Wemple

Cadin	Grady	Machacek	Schoeneck	Whitney F G
Cahn	Gray	Murphy	Scovill	Whitney G H
Callahan	Gurnett	Newton	Sheehy	Wiegand
Carrier	Hammond	Nugent	Sheldon	Wilson
Caughlan	Hanford	Ogden	Sherry	Wolf
Charles E E	Hartman	O'Neill	Shuttleworth	Wood F X
Charles W B	Hastings	Palmer	Slocum	Yale
Cooke	Hooper	Parker	Smith A E	Young
Cotton	Hornidge	Patton		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 405) entitled "An act to amend chapter 231 of the Laws of 1895, entitled 'An act to establish a law library in the sixth judicial district to be called the Supreme Court Library at Elmira, and making an appropriation therefor,' relative to the salary of librarian" (Int. No. 405) was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 114

NOES 00

Those who voted in the affirmative were:

Agnew	Coon	Hartman	Palmer	Smith J E
Allen F E	Cotton	Hooker	Parker	Smith R H
Allen J G	Cowan	Hooper	Pendry	Standart
Anderson	Cox	Hornidge	Perham	Stanley
Apgar	Dale	Hubbs	Phillips	Steele
Bass	Donovan	Kavanaugh	Platt	Sullivan
Becker	Ellis	Knapp	Pratt	Tenjust
Bedell	Etzel	La Fetra	Prentice	Thompson J A
Beebe	Evans	La Rue	Prince	Tompkins
Beihlf	Everett	Lewis	Reeve	Waddell
Bisland	Fish	Machacek	Reilly	Wagner
Brady	Fitzsimons	Malloy	Rigby	Wainwright
Brooks	Foster	Mathews T F	Rosenstein	Wedemeyer
Burnett	Francisco	Matthews C R	Salomon	West
Burns	Freidel	McKeown	Sammon	Whitney F G
Burzynski	Gardner	McManus	Santee	Wiegand
Byrne	Gates	Mead	Schoeneck	Wilsnack
Cahn	Grady	Merritt	Shanahan	Wolf
Callahan	Gray	Monroe	Sheehy	Wood F C
Carrier	Gurnett	Moreland	Sheldon	Wood F X
Caughlan	Hackett	Newton	Shuttleworth	Yale
Charles E E	Hammond	Nugent	Smith A P	Young
Cooke	Hapeman	Ogden	Smith A E	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

By unanimous consent,

Mr. Burnett called up Assembly bill No. 608 entitled "An act to amend chapter 666 of the Laws of 1893, entitled 'An act to revise, amend, and consolidate the several acts relating to the village of Canandaigua, and to repeal certain acts and parts of acts,' and the acts amendatory thereof" (Int. No. 287), heretofore laid aside on the order of third reading.

Said bill having been announced for a third reading,

On motion of Mr. Burnett, said bill was laid aside, and ordered stricken from the calendar.

Mr. Wadsworth offered for the consideration of the House a resolution, in the words following:

Resolved, That there be printed 500 additional copies of Assembly bill No. 655, for the use of the Assembly.

Which was read and referred to the committee on public printing.

Mr. Wilsnack offered for the consideration of the House a resolution, in the words following:

Resolved, That when this House adjourns it adjourn out of respect to the memory of the Hon. James S. Fairbrother, a former member of this House, who departed this life on the 19th day of February.

Mr. Speaker put the question whether the House would agree to said resolution and it was determined in the affirmative.

The Senate returned the bill (No. 143) entitled "An act to amend chapter 394 of the Laws of 1895, entitled 'An act to revise the charter of the city of Oswego' by authorizing the issue of bonds to provide for a supply of water from Lake Ontario" (Int. No. 143), with a message that they have concurred in the passage of the same without amendment.

Ordered that the Clerk transmit a certified copy thereof to the mayor of the city of Oswego.

On motion of Mr. Burnett, the House adjourned.

MONDAY, FEBRUARY 27, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Frank R. Sherwood.

On motion of Mr. Rogers, the reading of the journal of Friday, February 24, was dispensed with and the same was approved.

Mr. Speaker presented the annual report of the Superintendent of Banks, which was laid upon the table and ordered printed.

(See Document.)

Also, the thirty-sixth annual report of the New York School for the Blind at Batavia, which was laid upon the table and ordered printed.

(See Document.)

Also, the annual report of the Education Department, which was laid upon the table and ordered printed.

(See Document.)

Also, a communication from and resolutions adopted by the Broadway Board of Trade of New York city in relation to the gas and electric light trusts of that city, which were read and referred to the committee on ways and means.

Also, resolutions of the Brooklyn Bar Association in relation to Assembly bill No. 107, which was referred to the committee on codes.

The privileges of the floor were extended to Messrs. Henry Terwilliger, Charles Ulrich and James A. Douglas.

Mr. Agnew was excused until Tuesday, February 28.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Village Law, in relation to the number of members of a municipal board" (No. 320, Rec. No. 81), which was read the first time and referred to the committee on affairs of villages.

"An act to amend the Penal Code relative to employment" (No. 410, Rec. No. 82), which was read the first time and referred to the committee on codes.



“Concurrent resolution proposing an amendment to section 27 of article 3 of the Constitution, by authorizing the legislature to provide for a county auditing officer” (No. 252, Rec. No. 83), which was read the first time and referred to the committee on the judiciary.

“An act to authorize the Adjutant-General to reopen the claim made by George W. Herniman, late second lieutenant Sixty-fifth regiment, Infantry, National Guard, to be placed on the roll of invalid pensioners of the State, and to grant a rehearing of the application made by said Herniman to be placed on such roll” (No. 111, Rec. No. 84), which was read the first time and referred to the committee on claims.

“An act to amend chapter 397 of the Laws of 1890, entitled ‘An act to incorporate the River Bridge Company,’ relative to extension of charter” (No. 308, Rec. No. 85), which was read the first time and referred to the committee on commerce and navigation.

“An act to confirm the election and all proceedings of the voters and board of trustees of the village of Clinton to establish an electric lighting system in said village and for the sale of bonds for that purpose” (No. 447, Rec. No. 86), which was read the first time and referred to the committee on affairs of villages.

“An act to legalize the special election of the village of Montour Falls, held for the purpose of voting upon the question of raising moneys to carry on the excavation of Catherine creek, and to authorize such village to issue notes pursuant to a proposition adopted thereat” (No. 446, Rec. No. 87), which was read the first time and referred to the committee on affairs of villages.

“An act empowering the Church Building Trust Association of New York to maintain a second place of worship” (No. 299, Rec. No. 88), which was read the first time and referred to the committee on charitable and religious societies.

“An act to amend the Penal Code by adding thereto a new section to be known as section 292-c, prohibiting the exhibition of infants undergoing the process of artificial incubation” (No. 409, Rec. No. 89), which was read the first time and referred to the committee on codes.

"An act to amend chapter 441 of the Laws of 1891 entitled 'An act to create a commissioner of jurors in the several counties of this State,' as amended by section 1 of chapter 201 of the Laws of 1903" (No. 448, Rec. No. 90), which was read the first time and referred to the committee on the judiciary.

"An act to amend chapter 785 of the Laws of 1895, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts,' relating to the highway fund" (No. 350, Rec. No. 91), which was read the first time and referred to the committee on affairs of villages.

Mr. La Fetra introduced a bill entitled "An act to amend chapter 580 of the Laws of 1901 entitled 'An act to authorize and empower the city of New York to establish and maintain a free public library system' in relation to contracts with the trustees of certain public libraries in the city of New York" (Int. No. 787), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Penal Code in relation to the misconduct of officers at drawing of jurors and the formation of a jury" (Int. No. 788), which was read the first time and referred to the committee on codes.

Mr. Reeve introduced a bill entitled "An act to make the office of county clerk of Suffolk county a salaried office and regulating the management of said office and fixing the salary of said clerk and his assistants" (Int. No. 789), which was read the first time and referred to the committee on internal affairs.

Mr. F. G. Whitney introduced a bill entitled "An act to amend chapter 223 of the Laws of 1890, entitled 'An act to authorize towns to raise money to defray the expenses of the proper observance of Memorial or Decoration day,' relative to the duties of town boards" (Int. No. 790), which was read the first time and referred to the committee on internal affairs.

Mr. Grattan introduced a bill entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of

Cohoes,' in relation to commissioners of deeds in said city " (Int. No. 791), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to raising additional moneys for the board of fire commissioners of said city " (Int. No. 792), which was read the first time and referred to the committee on affairs of cities.

Mr. Prentice introduced a bill entitled "An act to provide for the registration of land titles " (Int. No. 793), which was read the first time and referred to the committee on the judiciary.

Mr. Gates introduced a bill entitled "An act to amend chapter 20 of the Laws of 1900, entitled 'An act for the protection of the forests, fish and game of the State, constituting chapter 31 of the general laws,' relative to the expense of seizure of nets in certain counties " (Int. No. 794), which was read the first time and referred to the committee on fisheries and game.

Mr. Hornidge introduced a bill entitled "An act to amend the Greater New York charter by adding a new title thereto relative to the retirement from active service of officers, clerks and employees in the department of finance " (Int. No. 795), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent,

Mr. Thonet introduced a bill entitled "An act to amend chapter 531 of the Laws of 1884, entitled 'An act in relation to the office of the register of the city and county of New York,' in relation to the compensation of copyists or folio writers " (Int. No. 796), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent,

Mr. Grattan introduced a bill entitled "An act to amend chapter 555 of the Laws of 1898, entitled 'An act to establish a State Board of Embalmers, and to regulate the practice of embalming,'

relating to licensing to practice, and practicing without license" (Int. No. 797), which was read the first time and referred to the committee on general laws.

By unanimous consent,

Mr. Lewis introduced a bill entitled "An act to amend the Insurance Law in relation to Lloyds associations" (Int. No. 798), which was read the first time and referred to the committee on insurance.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Dowling, Int. No. 449, entitled "An act to provide for the payment of the claim of Frank J. Gallagher for extra labor performed and material furnished in building bridge in Highland park, borough of Queens" (No. 479), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 1, line 3, of the title, after the word "Queen's" strike out the period and insert a comma, and after the comma insert the words "city of New York."

Same page, line 1, strike out the word "comptroller" and insert the words "board of estimate and apportionment."

Same page, line 2, after the word "in" strike out the word "his" and insert the word "its."

Page 2, line 4, after the word "said" strike out the words "comptroller of the city of New York" and insert the word "board."

Same page, line 8, after the word "said" strike out the words "comptroller of the city of New York" and insert the word "board."

Same page, line 13, after the word "said" strike out the word "comptroller" and insert the word "board."

Same page, line 14, after the word "file" strike out the words "the same."

Same page, line 15, after the first "and" strike out the word "he" and insert the words "said comptroller."

Same page, line 15, after the word "thereupon" insert the word "pay."

Same page, line 16, after the word "by" strike out the word "him" and insert the words "said board."

Same page, line 24, after the word "said" strike out the words

“comptroller of the city of New York” and insert the words “board of estimate and apportionment.”

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Lewis, from the committee on insurance, to which was referred the bill introduced by Mr. Lewis, Int. No. 634, entitled “An act to amend article 1, section 52, of chapter 690 of the Laws of 1892, as amended by chapter 725 of the Laws of 1893, as amended by chapter 722 of the Laws of 1901, constituting chapter 38 of the general laws, and known as the Insurance Law” (No. 714), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Lewis, from the committee on insurance, to which was referred the bill introduced by Mr. Lewis, Int. No. 635, entitled “An act to amend the Insurance Law in relation to life and casualty insurance corporations upon the cooperative or assessment plan” (No. 715), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

“An act to consolidate the consolidated corporation now existing under the name of ‘The Mohawk and Hudson River Humane Society’ with the corporations known as ‘The Saratoga Society for the Prevention of Cruelty to Children,’ and ‘The Columbia County Society for the Prevention of Cruelty to Children,’ and to define the powers and duties of the corporation as so consolidated.” (No. 564, Int. No. 514.)

“An act to provide for the care, preservation and protection of the rock known as the ‘Seneca Indian council rock,’ in the town of Brighton, Monroe county, New York, and legalizing its existence in its present location.” (No. 345, Int. No. 322.)



"An act providing for an addition to the site of the State Normal College at Albany, N. Y., and making an appropriation therefor." (No. 305, Int. No. 290.)

"An act to amend chapter 865 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' in relation to the membership of said association, its constitution and by-laws, reducing the number of its managers and trustees, providing for their election, and regulating the use of its premises." (No. 543, Int. No. 485.)

"An act to amend the Navigation Law in relation to life preservers." (No. 59, Int. No. 59.)

"An act to amend the Code of Criminal Procedure, in relation to the salaries of probation officers." (No. 674, Int. No. 608.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 370) entitled "An act to amend the Agricultural Law, relative to foods adulterated with methyl or wood alcohol" (Int. No. 370), reported the same with the following recommendations:

Page 2, line 21, after the word "not" insert the word "or".

Page 3, line 11, after the word "produced" take out the semicolon and insert a colon, and capitalize the words "provided" and "that".

Same page, line 23, take out the semicolon and insert a colon.

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 96) entitled "An act to amend section 640 of the Penal Code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this State" (Int. No. 96), reported the same with the following recommendations:

Amend title to read as follows:

"An act to amend the penal code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this State."

Page 1, line 5, insert a comma after the word "person".

Page 2, line 3, after the word "shall" insert in brackets the word "be" and underscore the words "have been" on same line.

Same page, line 6, underscore the comma after the word "shall".

Same page, line 7, underscore the comma after the word "five".

Same page, line 11, underscore the words "or article or thing for carrying or".

Same page, line 12, underscore the words "transporting merchandise".

Same page, line 14, insert commas after the words "painted" and "attached".

Same page, line 16, insert commas after the words "mark" and "article".

Same page, line 17, insert a comma after the word "defile".

Page 3, underscore lines 1, 2 and 3.

Same page, line 16, insert a period after the word "America".

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 244) entitled "An act to amend the Religious Corporations Law, relative to the removal of remains from cemeteries and church grounds" (Int. No. 244), reported the same with the following recommendations:

Page 2, line 8, at end of line after the word "a" insert the words "written consent thereto, or if three-fourths of the members of such."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 369) entitled "An act to amend the Public Health Law, relative to the use of methyl or wood alcohol for adulterative purposes" (Int. No. 369), reported the same with the following recommendations:

Page 1, line 5, after the word "paragraph" insert the words "to be known as paragraph four, and."

Same page, line 9, after the word " paragraph " insert the words "to be known as paragraph eight, and."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 485) entitled "An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' relative to the bond of the treasurer of the New York State School for the Blind " (Int. No. 455), reported the same with the following recommendations:

In line 3 of title capitalize the words " state," " institution " and " blind."

Page 1, line 3, capitalize the words " state " and " institution."

Same page, line 4, capitalize the word " blind."

Same page, line 6, after the word " all " insert the word " the."

Page 2, line 5, insert a comma after the word " dollars."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Forest, Fish and Game Law, in relation to the close season for trout in Tompkins county." (No. 720, Int. No. 640.)

"An act to amend chapter 785 of the Laws of 1895, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts,' relating to funds." (No. 745, Int. No. 519.)

"An act to transfer to the city of New York the normal and training school in the borough of Queens, city of New York,

formerly in the village of Jamaica and county of Queens." (No. 528, Int. No. 487.)

"An act to amend the Code of Civil Procedure, relative to serving summons upon telegraph companies" (No. 744, Int. No. 422.)

"An act to repeal chapter 439 of the Laws of 1876, entitled 'An act relating to the expenses of judicial sales in the county of Kings,' as amended by chapter 167 of the Laws of 1889." (No. 747, Int. No. 40.)

"An act to amend chapter 264 of the Laws of 1838, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia.'" (No. 746, Int. No. 522.)

"An act to amend the Penal Code, prohibiting the corrupt influencing of agents, employees or servants." (No. 749, Int. No. 388.)

"An act to amend the Code of Civil Procedure, in relation to pending actions or proceedings." (No. 748, Int. No. 365.)

"An act regulating the sanitary condition of bathing establishments, and amending section 212 of chapter 25 of the General Public Health Laws, as amended by the Laws of 1893; being re-numbered by the Laws of 1900, chapter 667; number of section being originally 202." (No. 212, Int. No. 212.)

The bill (No. 600) entitled "An act to amend section 600 of the Penal Code" (Int. No. 549), was read the second time.

On motion of Mr. Phillips, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 578) entitled "An act to amend section 103 of the Railroad Law with respect to the abandonment of part of route, temporary removal of rails, temporary discontinuance of operation and relocation of railroads and routes" (Int. No. 532), having been announced for a second reading.

On motion of Mr. Rogers, and by unanimous consent, said bill was ordered placed on the second reading calendar for Wednesday next.

The bill (No. 493) entitled "An act to amend the Public Health Law, in relation to the prosecution of violations of the law, in

regard to the practice of medicine" (Int. No. 463), was read the second time.

On motion of Mr. Maier, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 473) entitled "An act to provide for the appointment of a deputy county treasurer, for the county of Rensselaer to act in the absence or inability of the treasurer of said county" (Int. No. 444), was read the second time.

On motion of Mr. Gardner, said bill was placed on the order of third reading.

On motion of Mr. Gardner, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	Hornidge	Palmer	Smith J T
Allen F E	Donovan	Hubbs	Parker	Smith R H
Anderson	Dowling	Hurd	Patton	Standart
Apgar	Ellis	Kavanaugh	Pendry	Steele
Bass	Etzel	Knapp	Perry	Stevens
Bedell	Everett	La Fetra	Phillips	Sullivan
Beebe	Fish	La Rue	Plank	Thompson G F
Bird	Fitzsimons	Leggett	Pratt	Thompson J A
Bisland	Foster	Lewis	Prentice	Tompkins
Brooks	Francisco	Machacek	Prince	Waddell
Burnett	Fuller	Maier	Reeve	Wadsworth
Burns	Gardner	Malloy	Reilly	Wainwright
Byrne	Gates	Matthews C R	Rigby	Wedemeyer
Cahn	Grady	McKeown	Rogers	Wemple
Callahan	Grattan	McManus	Salomon	Whitney F G
Caughlan	Gurnett	Mead	Sammon	Whitney G H
Charles W B	Hackett	Merritt	Schoeneck	Wiegand
Cooke	Hammond	Miller	Scovill	Wilsnack
Coon	Hanford	Monroe	Shanahan	Wilson
Coutant	Hapeman	Murphy	Sheldon	Wolf
Cowan	Hartman	Newton	Sherry	Wood F C
Cox	Hastings	Nugent	Shuttleworth	Wood F X
Cunningham	Hooker	Ogden	Smith A P	Yale
Dale	Hooper	O'Neill	Smith A E	Young



Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 520) entitled "An act to legalize, ratify and confirm certain contracts executed by a board of supervisors with the authorities of the county of Kings for the reception into the penitentiary of said county of persons sentenced to imprisonment in a county jail or penitentiary, and to authorize the payment of claims arising thereunder" (Int. No. 478), was read the second time.

On motion of Mr. Hornidge, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 587) entitled "An act to amend chapter 260 of the Laws of 1903, entitled 'An act to make the office of sheriff of Livingston county a salaried one in part, and to regulate the management thereof,' in relation to compensation of under-sheriff, jailer and attendants and deputy sheriffs" (Int. No. 543), was read the second time.

On motion of Mr. Wadsworth, said bill was placed on the order of third reading.

On motion of Mr. Wadsworth, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112  
NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Kavanaugh	Perry	Stanley
Allen F E	Ellis	Knapp	Phillips	Steele
Allen J G	Etzel	La Rue	Platt	Sullivan
Apgar	Evans	Leggett	Pratt	Tenjost
Bass	Everett	Lewis	Prince	Thompson G F
Bedell	Fish	Machacek	Quinn	Thonet
Beebe	Fitzsimons	Malloy	Reilly	Tompkins

Bird	Foelker	Mathews T F	Rigby	Waddell
Bisland	Foster	Matthews C R	Rosenstein	Wagner
Brooks	Freidel	McKeown	Salomon	Wadsworth
Burnett	Fuller	McManus	Santee	Wedemeyer
Burzynski	Gates	Merritt	Schoeneck	West
Byrne	Grattan	Miller	Scovill	Wemple
Cahn	Gray	Monroe	Sheehy	Whitney F G
Callahan	Gurnett	Moreland	Sheldon	Wiegand
Caughlan	Hammond	Newton	Sherry	Wilsnack
Charles W B	Hanford	Nugent	Slocum	Wilson
Cooke	Hartman	Ogden	Smith A P	Wolf
Cotton	Hooker	Palmer	Smith A E	Wood F C
Cowan	Hooper	Parker	Smith J T	Wood F X
Cox	Hornidge	Patton	Smith R H	Yale
Cunningham	Hubbs	Perham	Standart	Young
Dale	Hurd			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 586) entitled "An act to amend chapter 200 of the Laws of 1903, entitled 'An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office,' in relation to the appointment of clerks" (Int. No. 542), was read the second time.

On motion of Mr. Wadsworth, said bill was placed on the order of third reading.

On motion of Mr. Wadsworth, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 116

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hovanaugh	Perry	Smith R H
Allen F E	Dodd	Knapp	Phillips	Standart
Allen J G	Dowling	La Rue	Plank	Stanley
Anderson	Ellis	Lewis	Platt	Steele
Bass	Etzel	Machacek	Prentice	Stevens
Becker	Everett	Maier	Prince	Tenjust
Bedell	Fish	Malloy	Quinn	Thompson G F
Beebe	Fitzsimons	Mathews T A	Reeve	Thonet
Bird	Foster	Matthews C R	Reilly	Tompkins

Bisland	Francisco	McKeown	Rigy	Wade
Brooks	Fuller	McManus	Rogers	Wagner
Burnett	Gates	Merritt	Rosenstein	Wadsworth
Burns	Grady	Miller	Sammon	Wedemeyer
Burzynski	Gray	Monroe	Santee	West
Cadin	Gurnett	Moreland	Schoeneck	Whitney F G
Callahan	Hackett	Newton	Seovill	Whitney G H
Carrier	Hanford	Nugent	Shanahan	Wilsnack
Caughlan	Hapeman	Ogden	Sheldon	Wilson
Charles W B	Hastings	O'Neill	Sherry	Wolf
Cooke	Hooker	Palmer	Slocum	Wood F C
Coon	Hooper	Parker	Smith A P	Wood F X
Coutant	Hornidge	Patton	Smith J E	Yale
Cowan	Hurd	Pendry	Smith J T	Young
Cox				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 275) entitled "An act to amend chapter 266 of the Laws of 1903, entitled 'An act to provide for the holding of town meetings and elections in counties of the State having a certain population,' relative to the conduct of such town meetings and elections, the terms of town officers and the compensation of the clerk of the boards of supervisors in such counties" (Int. No. 275), was read the second time.

On motion of Mr. Steele, said bill was placed on the order of third reading.

On motion of Mr. Steele, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooker	O'Neill	Smith J T
Allen F E	Cowan	Hooper	Parker	Smith R H
Allen J G	Cox	Hornidge	Patton	Standart
Apgar	Cunningham	Hubbs	Perham	Steele
Bass	Dale	Kavanaugh	Perry	Stevens
Becker	Dodd	Knapp	Phillips	Sullivan
Bedell	Donovan	La Fetra	Plank	Thompson D F

Beebe	Dowling	La Rue	Pratt	Thompson J A
Beihliff	Ellis	Leggett	Prentice	Thonet
Bird	Etzel	Lewis	Prince	Waddell
Bisland	Evans	Machacek	Reeve	Wade
Brooks	Everett	Maier	Reilly	Wagner
Burnett	Fish	Malloy	Rigby	Wainwright
Burns	Fitzsimons	Mathews T F	Rogers	Wedemeyer
Burzynski	Foster	Matthews C R	Salomon	West
Byrne	Freidel	McKeown	Sammon	Wemple
Cadin	Fuller	McManus	Santee	Whitney D H
Cahn	Gardner	Mead	Schoeneck	Wiegand
Callahan	Gates	Merritt	Scovill	Wilsnack
Carrier	Grattan	Monroe	Sheehy	Wilson
Caughlan	Gray	Moreland	Sheldon	Wolf
Charles E E	Hackett	Murphy	Shuttleworth	Wood F C
Cooke	Hammond	Newton	Smith A P	Yale
Coon	Hapeman	Ogden	Smith A E	Young
Cotton	Hastings			

In the negative:

Palmer

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 462) entitled "An act to authorize the issue and sale of bonds by the city of Rochester, to provide money with which to pay the debt of said city incurred in paying certain interest on the water bonds of said city" (Int. No. 433), was read the second time.

On motion of Mr. Callahan, said bill was placed on the order of third reading.

On motion of Mr. Callahan, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 117

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hooper	Palmer	Smith J E
Allen F E	Dodd	Hornidge	Patton	Smith J T
Allen J G	Donovan	Hurd	Pendry	Smith R H
Anderson	Dowling	Kavanaugh	Perham	Stanley

Apgar	Etsel	Knapp	Phillips	Steele
Bass	Evans	La Fetra	Plank	Stevens
Becker	Everett	La Rue	Platt	Tenjust
Beebe	Fish	Leggett	Pratt	Thompson G F
Beihilf	Fitzsimons	Lewis	Prince	Thompson J A
Bird	Foelker	Machacek	Quinn	Tompkins
Bisland	Foster	Maier	Reeve	Waddell
Brooks	Francisco	Malloy	Reilly	Wade
Burns	Freidel	Mathews T F	Rogers	Wadsworth
Burzynski	Fuller	Mathews C R	Rosenstein	Wainwright
Cadin	Gardner	McKeown	Sammon	Wedemeyer
Cahn	Gates	McManus	Santee	Wemple
Carrier	Grady	Mead	Schoeneck	Whitney F G
Caughlan	Grattan	Merritt	Scovill	Wiegand
Charles W B	Gray	Miller	Sheehy	Wilsnack
Cooke	Hackett	Monroe	Sheldon	Wolf
Coon	Hammond	Murphy	Shuttleworth	Wood F C
Coutant	Hapeman	Newton	Slocum	Yale
Cowan	Hartman	Ogden	Smith A P	Young
Cox	Hooker			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 361) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly" (Int. No. 361), was read the second time.

On motion of Mr. R. H. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 75) entitled "An act authorizing the board of estimate and apportionment of the city of New York to allow, and authorizing and directing the comptroller of the said city to pay certain claims incurred for the maintenance of the municipal court of the city of New York, Twelfth district, Manhattan borough, during the year 1903" (Int. No. 75), was read the second time.

On motion of Mr. Young, said bill was placed on the order of third reading.

On motion of Mr. Young, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the



affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative-were:

Agnew	Cowan	Hornidge	Perry	Smith R H
Allen F E	Cunningham	Hurd	Plank	Standart
Anderson	Dale	Knapp	Platt	Stanley
Apgar	Donovan	La Fetra	Prentice	Steele
Bass	Dowling	La Rue	Prince	Stevens
Bedell	Ellis	Lewis	Quinn	Sullivan
Beebe	Evans	Machacek	Reilly	Thompson G F
Beihlf	Everett	Malloy	Rogers	Thompson J A
Bird	Fish	Mathews T F	Rosenstein	Thonet
Bisland	Fitzsimons	Matthews C R	Salomon	Waddell
Brady	Foster	McKeown	Sammon	Wade
Brooks	Francisco	McManus	Santee	Wadsworth
Burnett	Freidel	Mead	Schoeneck	Wainwright
Burns	Foelker	Merritt	Scovill	Wedemeyer
Byrne	Gates	Miller	Shanahan	West
Cadin	Grady	Monroe	Sheehy	Wemple
Cahn	Grattan	Murphy	Sheldon	Whitney G H
Callahan	Gurnett	Newton	Sherry	Wiegand
Carrier	Hammond	Nugent	Shuttleworth	Wilsnack
Caughlan	Hanford	O'Neill	Slocum	Wolf
Charles W B	Hapeman	Palmer	Smith A P	Wood F C
Cooke	Hartman	Parker	Smith A E	Wood F X
Coon	Hooker	Patton	Smith J E	Yale
Coutant	Hooper	Pendry	Smith J T	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 454) entitled "An act to empower the board of assessors of the city of New York to estimate and allow damages sustained by owners of real property fronting upon streets and avenues approaching the bridge over the Gowanus canal at Hamilton avenue, borough of Brooklyn, in the city of New York" (Int. No. 425), was read the second time.

On motion of Mr. McKeown, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 647) entitled "An act to amend section 188 of chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira' as amended by chapter 43 of the Laws of 1901, and chapter 367 of the Laws of 1904 in relation to the officers of the police force and their duties" (Int. No. 580), was read the second time.

On motion of Mr. Moreland, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 567) entitled "An act to amend chapter 347 of the Laws of 1890, entitled 'An act to provide for the payment of the cost and expense of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessment,' relating to the collection of assessments and installments thereof" (Int. No. 518), was read the second time.

On motion of Mr. Ogden, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 395) entitled "An act to amend sections 2, 4 and 5 of chapter 35 of the Laws of 1902, entitled 'An act creating a city court in and for the city of Poughkeepsie, N. Y.'" (Int. No. 395), was read the second time.

On motion of Mr. Gray, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 624) entitled "An act to assess on the property benefited the cost and expense of constructing a bridge over the railroad tracks on Bronson avenue in the city of Rochester" (Int. No. 561), was read the second time.

On motion of Mr. Callahan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 419) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments and sales to the city of New York for assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly" (Int. No. 387), was read the second time.

On motion of Mr. R. H. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 628) entitled "An act to provide for public improvements in the city of Troy upon and in relation to Prospect Park and the water works of said city" (Int. No. 572), having been announced for a second reading,

On motion of Mr. Burnett, said bill was laid aside, retaining its place on the order of second reading.

The bill (No. 689) entitled "An act to amend the Banking Law, relative to securities in which deposits in savings banks may be invested" (Int. No. 623), having been announced for a second reading,

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the second reading calendar for Tuesday next.

The bill (No. 19) entitled "An act to amend the Banking Law, in relation to the reports of trust companies" (Int. No. 19), was read the second time.

On motion of Mr. O'Neill, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 266) entitled "An act to amend chapter 402 of the Laws of 1903, entitled 'An act to repeal title 8 of chapter 182 of the Laws of 1892, entitled "An act to incorporate the city of Mount Vernon, and to insert therein a new title relating to the police department of said city"'" (Rec. No. 57), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading.

The Senate bill (No. 328) entitled "An act amending section 162 of the Town Law relating to auditing town accounts" (Rec. No. 35), was read the second time.

On motion of Mr. Thompson, said bill was placed on the order of third reading.

The Senate bill (No. 264) entitled "An act to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of purchasing sites and erecting buildings for the use of the fire and police departments and to provide a sinking fund to pay principal and interest of said bonds" (Rec. No. 76), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading.

The Senate bill (No. 265) entitled "An act to authorize the common council of the city of Mount Vernon to use moneys now in the deficiency fund of said city to pay deficiencies in the sum appropriated for the support of the fire department" (Rec. No. 56), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading.

The Senate bill (No. 232) entitled "An act to amend chapter 131 of the Laws of 1885, entitled 'An act to incorporate the city of Amsterdam,' generally" (Rec. No. 30), was read the second time.

On motion of Mr. W. B. Charles, said bill was placed on the order of third reading.

On motion of Mr. W. B. Charles, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hastings	Pendry	Smith J T
Allen F E	Cowan	Hooker	Perham	Standart
Allen J G	Cox	Hooper	Perry	Stanley
Anderson	Dale	Hubbs	Plank	Steele
Apgar	Dodd	Kavanaugh	Platt	Stevens
Bass	Donovan	Knapp	Prentice	Sullivan
Becker	Dowling	La Rue	Prince	Thompson G F
Bedell	Ellis	Lewis	Quinn	Thompson J A
Beihilf	Etzel	Machacek	Reeve	Thonet
Bird	Evans	Malloy	Rigby	Tompkins
Bisland	Everett	Mathews T F	Rogers	Wade
Brooks	Fish	Matthews C R	Salomon	Wagner
Burnett	Foelker	McKeown	Sammon	Wadsworth
Burns	Foster	McManus	Santee	Wainwright
Burzynski	Francisco	Mead	Schoeneck	West
Byrne	Fuller	Miller	Scovill	Wemple
Cadin	Gardner	Monroe	Shanahan	Whitney F G
Callahan	Grady	Moreland	Sheehy	Wiegand
Carrier	Grattan	Murphy	Sherry	Wilsnack

Callahan	Gray	Nugent	Shuttleworth	Wilson
Caughlan	Gurnett	Ogden	Slocum	Wood F C
Charles W B	Hackett	O'Neill	Smith A P	Wood F X
Cooke	Hanford	Palmer	Smith A E	Yale
Coon	Hapeman	Patton	Smith J E	Young
Cotton	Hartman			

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 62) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, in relation to the annual assessment rolls" (Rec. No. 18), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading.

The Senate bill (No. 209) entitled "An act to amend the Greater New York charter, relative to the powers of the board of estimate and apportionment" (Rec. No. 75), was read the second time.

On motion of Mr. Perham, said bill was placed on the order of third reading.

The Senate bill (No. 276) entitled "An act in relation to the abolishment and removal of the Kings county penitentiary" (Rec. No. 22), was read the second time.

On motion of Mr. Cotton, said bill was placed on the order of third reading.

The Senate bill (No. 85) entitled "An act to provide for the appointment of an assistant district attorney in Fulton county" (Rec. No. 74), was read the second time.

On motion of Mr. F. C. Wood, said bill was placed on the order of third reading.

The bill (No. 720) entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season for trout in Tompkins county" (Int. No. 640), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.



Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 115

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hornidge	Parker	Smith J E
Allen F E	Cunningham	Hubbs	Pendry	Smith R H
Allen J G	Dodd	Kavanaugh	Perham	Standart
Anderson	Donovan	Knapp	Perry	Steele
Apgar	Ellis	La Fetra	Plank	Stevens
Bass	Etzel	Leggett	Platt	Tenjost
Bedell	Evans	Machacek	Prentice	Thompson J A
Beebe	Everett	Maier	Prince	Tompkins
Beihlf	Fitzsimons	Malloy	Quinn	Waddell
Bisland	Foelker	Mathews T F	Reilly	Wade
Brady	Foster	Matthews C R	Rigby	Wagner
Brooks	Freidel	McKeown	Rogers	Wadsworth
Burns	Fuller	McManus	Rosenstein	Wedemeyer
Burzynski	Gardner	Mead	Sammon	West
Byrne	Grady	Merritt	Santee	Wemple
Cadin	Gray	Miller	Schoeneck	Whitney F G
Callahan	Gurnett	Monroe	Scovill	Whitney G H
Carrier	Hackett	Moreland	Shanahan	Wilsnack
Charles E E	Hammond	Newton	Sheldon	Wilson
Charles W B	Hanford	Nugent	Sherry	Wood F C
Cooke	Hartman	Ogden	Shuttleworth	Wood F X
Cotton	Hastings	O'Neill	Slocum	Yale
Coutant	Hooper	Palmer	Smith A E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 745) entitled "An act to amend chapter 785 of the Laws of 1895, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts,' relating to funds" (Int. No. 519), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hubbs	Perry	Standart
Allen F E	Dodd	Hurd	Phillips	Stanley
Allen J G	Donovan	Kavanaugh	Plank	Steele
Anderson	Dowling	Knapp	Platt	Stevens
Apgar	Etzel	La Fetra	Pratt	Sullivan
Bass	Evans	La Rue	Prentice	Tenjust
Bedell	Everett	Lewis	Prince	Thompson G F
Beebe	Fish	Machacek	Quinn	Thompson J A
Beihlf	Fitzsimons	Maier	Reeve	Thonet
Bird	Foelker	Malloy	Rigby	Tompkins
Bisland	Foster	Mathews T F	Rogers	Waddell
Brady	Francisco	Matthews C R	Rosenstein	Wade
Burnett	Freidel	McKeown	Salomon J	Wagner
Burns	Fuller	McManus	Sammon	Wadsworth
Burzynski	Gardner	Mead	Santee	Wainwright
Byrne	Gates	Merritt	Schoeneck	Wedemeyer
Cadin	Grady	Miller	Scovill	West
Callahan	Grattan	Monroe	Shanahan	Wemple
Carrier	Gray	Moreland	Sheehy	Whitney A G
Caughlan	Gurnett	Murphy	Sheldon	Whitney G H
Charles E E	Hackett	Newton	Sherry	Wiegand
Charles W B	Hammond	Nugent	Shuttleworth	Wilsnaek
Cooke	Hanford	Ogden	Slocum	Wilson
Coon	Hapeman	O'Neill	Smith A P	Wolf
Cotton	Hartman	Palmer	Smith A E	Wood F C
Coutant	Hastings	Parker	Smith J E	Wood F X
Cowan	Hooker	Patton	Smith J T	Yale
Cox	Hooper	Pendry	Smith R H	Young
Cunningham	Hornidge	Perham		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 528) entitled "An act to transfer to the city of New York the normal and training school in the borough of Queens, city of New York, formerly in the village of Jamaica and county of Queens" (Int. No. 487), having been announced for a third reading,

Mr. La Fetra moved that said bill be recommitted to the committee on public education, with instructions to report the same forthwith amended as follows:

Insert on page 2, after line 12, the following: "The board of education of the city of New York shall have power however to abolish said normal school at any time."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 33

NOES 83

Those who voted in the affirmative were:

Anderson	Donovan	Hornidge	Nugent	Smith A E
Burns	Ellis	Kavanaugh	Palmer	Smith R H
Burzynski	Fitzsimons	La Fetra	Prince	Thompson J A
Cahn	Fuller	Machacek	Quinn	Wedemeyer
Caughlan	Grady	Malloy	Rosentein	Wiegand
Dale	Gurnett	Mathews T F	Sherry	Wolf
Dodd	Hackett	McKeown		

Those who voted in the negative were:

Allen F E	Dowling	Hubbs	Pendry	Steele
Allen J G	Etzel	Hurd	Perry	Stevens
Apgar	Evans	Knapp	Phillips	Tenjost
Bass	Foelker	La Rue	Plank	Thompson G F
Becker	Foster	Lewis	Pratt	Thonet
Beebe	Francisco	Maier	Rigby	Wade
Bisland	Freidel	Matthews C R	Rogers	Wadsworth
Brady	Gardner	Merritt	Santee	Wainwright
Brooks	Gates	Miller	Schoeneck	Wemple
Burnett	Grattan	Monroe	Scovill	Whitney F G
Cadin	Gray	Moreland	Shuttleworth	Whitney G H
Callahan	Hammond	Murphy	Smith A P	Wilsnack
Carrier	Hanford	Newton	Smith J E	Wilson
Charles W B	Hapeman	Ogden	Smith J T	Wood F X
Coon	Hartman	O'Neill	Standart	Yale
Coutant	Hastings	Parker	Stanley	Young
Cowan	Hooker	Patton		

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 35

Those who voted in the affirmative were:

Allen F E	Dowling	Hubbs	Perry	Stevens
Apgar	Etzel	Hurd	Phillips	Sullivan
Bass	Evans	Knapp	Plank	Tenjost
Becker	Foelker	La Rue	Pratt	Thompson G F
Beebe	Foster	Lewis	Rigby	Thonet
Bisland	Francisco	Maier	Rogers	Waddell
Brady	Freidel	Matthews C R	Santee	Wade
Brooks	Gardner	Merritt	Schoeneck	Wadsworth
Burnett	Gates	Monroe	Scovill	Wainwright
Cadin	Grattan	Moreland	Shuttleworth	Wemple
Callahan	Gray	Murphy	Slocum	Whitney F G

Carrier	Hammond	Newton	Smith A P	Whitney G H
Charles W B	Hanford	Ogden	Smith J E	Wilsnack
Coon	Hapeman	O'Neill	Smith J T	Wilson
Cotton	Hastings	Parker	Standart	Wood F X
Coutant	Hornidge	Patton	Stanley	Yale
Cowan	Hooker	Pendry	Steele	Young

Those who voted in the negative were:

Anderson	Dodd	Gurnett	Mathews T F	Sammon
Bird	Donovan	Hackett	McKeown	Sherry
Burns	Ellis	Hornidge	Nugent	Smith A E
Burzynski	Everett	Kavanaugh	Palmer	Smith R H
Cahn	Fitzsimons	La Fetra	Prince	Thompson J A
Caughlan	Fuller	Machacek	Quinn	Wedemeyer
Dale	Grady	Malloy	Rosenstein	Wolf

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker.—The Journal Clerk will note in the journal that the gentleman from Kings (Mr. McKeown) raises the point of order that this bill requires 100 votes. The Chair holds the point of order not well taken. The bill having received the constitutional majority has been duly passed.

The bill (No. 744) entitled "An act to amend the Code of Civil Procedure, relative to serving summons upon telegraph companies" (Int. No. 422), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hammond	Newton	Smith J E
Allen F E	Cowan	Hanford	Ogden	Smith J T
Allen J G	Cox	Hartman	O'Neill	Smith R H
Anderson	Cunningham	Hastings	Parker	Standart
Apgar	Dale	Hooper	Patton	Stanley
Bass	Dodd	Hornidge	Pendry	Steele
Becker	Donovan	Hurd	Perry	Sullivan
Bedell	Dowling	Kavanaugh	Phillips	Tenjost
Beebe	Ellis	La Fetra	Platt	Thompson G F
Beihilf	Etzel	La Rue	Pratt	Thonet
Bird	Evans	Leggett	Prentice	Tompkins

Bisland	Everett	Lewis	Quinn	Waddell
Brady	Fish	Machacek	Reeve	Wagner
Brooks	Fitzsimons	Maier	Reilly	Wadsworth
Burnett	Foelker	Malloy	Rogers	Wainwright
Burns	Foster	Mathews T F	Rosenstein	West
Burzynski	Francisco	Matthews C R	Sammon	Wemple
Cadin	Freidel	McKeown	Santee	Whitney F G
Cahn	Fuller	McManus	Scovill	Wiegand
Callahan	Gardner	Mead	Shanahan	Wilsnack
Carrier	Gates	Merritt	Sheehy	Wilson
Caughlan	Grady	Miller	Sherry	Wood F C
Charles W B	Grattan	Monroe	Shuttleworth	Wood F X
Cooke	Gray	Moreland	Slocum	Yale
Coon	Gurnett	Murphy	Smith A E	Young
Cotton				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 358) entitled "An act to legalize bonds of the village of Painted Post to be issued for the purpose contemplated by chapter 483 of the Laws of 1904, and to legalize all proceedings in relation thereto, including the appointment and proceedings of the board of river commissioners thereunder and the special election of the inhabitants of said village held thereunder on the 25th day of June, 1904" (Rec. No. 73), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Kavanaugh	Prince	Sullivan
Allen F E	Dale	Knapp	Quinn	Tenjost
Allen J G	Dodd	La Fetra	Reilly	Thompson G F
Anderson	Dowling	La Rue	Rigby	Thompson J A
Apgar	Ellis	Leggett	Rogers	Thonet
Bass	Etzel	Maier	Rosenstein	Tompkins
Becker	Evans	Mathews T F	Salomon	Waddell
Bedell	Fish	Matthews C R	Santee	Wade
Beebe	Fitzsimons	McKeown	Schoeneck	Wagner
Beihlf	Foster	McManus	Scovill	Wadsworth
Bisland	Francisco	Merritt	Shanahan	Wainwright
Brady	Freidel	Miller	Sheehy	Wedemeyer



Brooks	Gardner	Monroe	Sheldon	West
Burnett	Gates	Murphy	Sherry	Wemple
Burzynski	Grattan	Newton	Shuttleworth	Whitney F G
Byrne	Gray	Nugent	Slocum	Whitney G H
Cahn	Hackett	O'Neill	Smith A P	Wiegand
Callahan	Hammond	Parker	Smith A E	Wilsnack
Carrier	Hanford	Patton	Smith J E	Wilson
Caughlan	Hartman	Pendry	Smith J T	Wolf
Charles W B	Hastings	Perry	Smith R H	Wood F C
Cooke	Hooker	Phillips	Stanley	Wood F X
Cotton	Hooper	Plank	Steele	Yale
Coutant	Hornidge	Platt	Stevens	Young
Cowan	Hubbs	Prentice		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 131) entitled "An act to amend the Religious Corporations Law, relative to filling vacancies in offices of church wardens and vestrymen" (Rec. No. 27), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooker	O'Neill	Smith A P
Allen F E	Cowan	Hooper	Palmer	Smith A E
Allen J G	Cunningham	Hornidge	Parker	Smith J E
Anderson	Dale	Hubbs	Patton	Smith R H
Apgar	Dodd	Hurd	Pendry	Standart
Bass	Donovan	Kavanaugh	Perry	Stanley
Becker	Ellis	Knapp	Phillips	Stevens
Bedell	Etzel	La Fetra	Plank	Sullivan
Beebe	Evans	La Rue	Platt	Tenjust
Beihlf	Everett	Leggett	Pratt	Thompson J A
Bird	Fitzsimons	Lewis	Prentice	Thonet
Bisland	Foelker	Machacek	Quinn	Tompkins
Brady	Francisco	Maier	Reeve	Wade
Brooks	Freidel	Malloy	Rigby	Wagner
Burnett	Fuller	Mathews T F	Rogers	Wadsworth
Burzynski	Gardner	Matthews C R	Rosenstein	Wedemeyer
Byrne	Gates	McKeown	Salomon	West
Cadin	Grady	McManus	Sammon	Wemple
Quinn	Grattan	Mead	Santee	Whitney F G
Callahan	Gray	Merritt	Schoeneck	Wiegand

Carrier	Gurnett	Miller	Shanahan	Wilsnack
Caughlan	Hackett	Monroe	Sheehy	Wilson
Charles E E	Hammond	Murphy	Sheldon	Wood F C
Charles W B	Hapeman	Moreland	Sherry	Wood F X
Cooke	Hartman	Newton	Shuttleworth	Yale
Coon	Hastings	Ogden	Slocum	Young

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 310) entitled "An act to further amend the charter of the Union Theological Seminary in the city of New York" (Rec. No. 60), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hornidge	Pendry	Smith J E
Allen F E	Dale	Hubbs	Perham	Smith J T
Allen J G	Dodd	Kavanaugh	Pendry	Smith R H
Anderson	Donovan	Knapp	Perham	Standart
Bass	Ellis	La Fetra	Phillips	Steele
Becker	Etzel	La Rue	Plank	Stevens
Bedell	Evans	Leggett	Platt	Sullivan
Beebe	Everett	Machacek	Pratt	Tenjost
Beihlf	Fish	Maier	Prentice	Thompson J A
Bird	Fitzsimons	Malloy	Prince	Thonet
Bisland	Foelker	Mathews T F	Rogers	Tompkins
Brooks	Foster	Matthews C R	Reilly	Waddell
Burnett	Francisco	McKeown	Rigby	Wade
Burns	Freidel	McManus	Rogers	Wagner
Burzynski	Fuller	Mead	Rosenstein	Wadsworth
Byrne	Gardner	Merritt	Salomon	Wainwright
Cadin	Gates	Miller	Sammon	Wedemeyer
Cahn	Grady	Monroe	Santee	West
Callahan	Grattan	Moreland	Scovill	Whitney F G
Carrier	Gray	Murphy	Schoeneck	Whitney G H
Caughlan	Hackett	Newton	Sheehy	Wiegand
Charles E E	Hammond	Nugent	Sheldon	Wilsnack
Cooke	Hanford	Ogden	Sherry	Wood F C
Coon	Hapeman	O'Neill	Slocum	Wood F X
Coutant	Hartman	Palmer	Smith A P	Yale
Cowan	Hooker	Parker	Smith A E	Young
Cox	Hooper	Patton		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 164) entitled "An act to amend the Election Law, relative to filling vacancies in nominations" (Rec. No. 32), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 1

Those who voted in the affirmative were:

Agnew	Cunningham	Hurd	Phillips	Stanley
Allen F E	Dale	Kavanaugh	Plank	Steele
Allen J G	Dodd	Knapp	Platt	Stevens
Anderson	Donovan	La Fetra	Pratt	Sullivan
Apgar	Dowling	La Rue	Prentice	Tenjust
Becker	Ellis	Leggett	Quinn	Thompson G F
Beebe	Etzel	Machacek	Reeve	Thompson J A
Beihilf	Evans	Maier	Reilly	Thonet
Bird	Everett	Malloy	Rigby	Tompkins
Bisland	Fish	Mathews T F	Rogers	Waddell
Brady	Fitzsimons	Matthews C R	Rosenstein	Wade
Brooks	Foelker	McKeown	Salomon	Wagner
Burnett	Foster	McManus	Sammon	Wainwright
Burns	Francisco	Mead	Santee	Wedemeyer
Burzynski	Fuller	Merritt	Schoeneck	West
Byrne	Gardner	Miller	Shanahan	Wemple
Cadin	Gates	Monroe	Sheehy	Whitney F G
Callahan	Grattan	Moreland	Sheldon	Whitney G H
Carrier	Gray	Murphy	Sherry	Wiegand
Caughlan	Gurnett	Newton	Shuttleworth	Wilsnack
Charles E E	Hammond	Nugent	Slocum	Wilson
Charles W B	Hanford	Ogden	Smith A P	Wolf
Cooke	Hapeman	O'Neill	Smith A E	Wood F C
Coon	Hastings	Parker	Smith J E	Wood F X
Cotton	Hooker	Patton	Smith J T	Yale
Cowan	Hooper	Pendry	Smith R H	Young
Cox	Hubbs	Perry	Standart	

In the negative:

Palmer

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 28) entitled "An act to amend section 1086 of the Code of Civil Procedure relative to excusing jurors" (Rec. No. 52), having been announced for a third reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was ordered placed on the third reading calendar for Thursday next.

Mr. Calhoun offered for the consideration of the House a resolution, in the words following:

Whereas, This Assembly has by resolution authorized its judiciary committee to investigate the charges made against Warren B. Hooker, a justice of the Supreme Court of the State of New York, and to further investigate all facts that may be brought before it affecting the fitness of the said Warren B. Hooker to hold the position of a justice of the Supreme Court; and

Whereas, This Assembly desires that the investigation about to be held be free from all question of partisanship or politics; and

Whereas, The judiciary committee has appointed as its counsel for the purpose of this investigation the Hon. Henry B. Comans, of Madison county, a prominent Republican; now, therefore, be it

Resolved, That it is the sense of this body that there should be appointed as an assistant to Mr. Comans an attorney to be designated by the minority members of the judiciary committee; and be it further

Resolved, That the judiciary committee be directed to appoint as an assistant counsel to the committee an attorney to be named by the minority members of the judiciary committee.

Which was read and referred to the committee on the judiciary.

Mr. R. H. Smith offered for the consideration of the House a resolution, in the words following:

Whereas, Frequent and justifiable complaint has been made as to the insufficiency of the street car service on Amsterdam avenue about One Hundred and Twenty-fifth street in the city of New York; and

Whereas, It has been alleged that since the completion of the subway and the operation of trains therein a number of cars have been taken from the street railway on the said Amsterdam avenue above One Hundred and Twenty-fifth street in such city,

so that the number of street cars now operated thereon is entirely inadequate to meet the needs of the public in that locality; now, therefore, be it

Resolved, That this Assembly direct that the State Railroad Commission investigate as to the truth of such complaint and allegation, and as to whether, in its opinion, the Metropolitan Traction Company, or other corporation, owning or operating the street railway on Amsterdam avenue above One Hundred and Twenty-fifth street in the city of New York, is now operating a sufficient number of cars thereon to meet the public demands, and determine as to what provisions should be made by such company or corporation to improve the street car service on such avenue so as to meet the requirements of the people residing in that locality, and that the said commission report its findings and determinations to this Assembly on or before the first day of April, nineteen hundred and five, together with a statement of the evidence produced before them in respect to the matter hereby submitted.

Said resolution giving rise to debate,

Ordered, That said resolution be laid upon the table.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

“An act to amend chapter 744 of the Laws of 1904, entitled ‘An act to authorize the treasurer of Niagara county to sell property for unpaid taxes,’ in relation to the expense of publishing notice of tax sales in Niagara county.” (No. 441, Int. No. 129.)

“An act to authorize the towns of Bethel, Thompson, Fallsburgh, Neversink, Liberty and Mamakating in Sullivan county, to acquire by purchase or condemnation, the rights, franchises and property of any individual or corporation lawfully entitled to exact a toll or charge for walking, riding or driving over any plank road or turnpike within said towns, and to provide means for the payment of the same.” (No. 297, Int. No. 297.)

“An act authorizing the town board of the town of Canton, county of Saint Lawrence, to divide such town into election districts.” (No. 233, Int. No. 233.)



"An act to amend the Public Buildings Law, relative to authorizing the trustees of the Soldiers' and Sailors' Home at Bath, to organize and maintain a band and to pay for the same out of the maintenance funds of the Home." (No. 224, Int. No. 33.)

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the bill (No. 146, reprint No. 656) entitled "An act to legalize and confirm the organization and existence of union free school district No. 1 of the town of Herkimer, and to legalize and confirm the proceedings of the board of education and legal voters of such union free school district, relative to the levy of a tax and the issuance and sale of certain bonds of said district" (Int. No. 23), with a message that they have reconsidered their vote by which said bill was passed, and as amended have again passed the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Rogers, the House adjourned.

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## TUESDAY, FEBRUARY 28, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Olin B. Coit, of Potsdam.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with, and the same was approved.

The privileges of the floor were extended to Messrs. Frank Kearney, Henry Stricker and Jacob Remsen.

The Senate sent for concurrence the following entitled bills:

"An act for the regulation of fares of electric railroads in the counties of Rensselaer and Albany, N. Y., and to provide for the issue of transfer tickets thereon" (No. 444, Rec. No. 92), which was read the first time and referred to the committee on railroads.

"An act to amend section 188 of chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira,' as amended by chapter 43 of the Laws of 1901, and chapter 367 of the Laws of 1904 in relation to the officers of the police force

and their duties" (No. 429, Rec. No. 93), which was read the first time and referred to the committee on affairs of cities.

"An act to provide for the better collection of unpaid assessments for local improvements in the town of West Seneca, Erie county, N. Y." (No. 185, Rec. No. 94), which was read the first time and referred to the committee on internal affairs.

Mr. Knapp introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the claim of Cane McCafrey and Company for damages caused by breach of contract, and to render judgment therefor" (Int. No. 799), which was read the first time and referred to the committee on claims.

Mr. Ogden introduced a bill entitled "An act to establish a retirement fund for pensioning retired school teachers in the city of Rochester, and to regulate the collection and management thereof" (Int. No. 800), which was read the first time and referred to the committee on public education.

Mr. Phillips introduced a bill entitled "An act to amend section 2730 of the Code of Civil Procedure, relative to commissions of executors or administrators" (Int. No. 801), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend chapter 421 of the Laws of 1902, entitled 'An act to provide for the representation of the State of New York at the Louisiana Purchase Exposition at St. Louis, Mo., and making an appropriation therefor,' in relation to the time for closing up the business of the commission" (Int. No. 802), which was read the first time.

On motion of Mr. Phillips, and by unanimous consent, said bill was read the second time and ordered to a third reading, and referred to the committee on ways and means.

Mr. Rigby introduced a bill entitled "An act to amend the Tax Law, in relation to the appointment of appraisers, stenographers, etc." (Int. No. 803), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Santee introduced a bill entitled "An act to amend the Benevolent Orders Law, relative to power of trustees to issue

bonds" (Int. No. 804), which was read the first time and referred to the committee on charitable and religious societies.

Mr. Schoeneck introduced a bill entitled "An act authorizing the Superintendent of Public Works to deepen the channel of certain creeks and tributaries in the counties of Madison and Onondaga, and to provide additional means of drainage by the construction of ditches for the betterment of the public health and the abatement of existing nuisances, and making an appropriation therefor" (Int. No. 805), which was read the first time and referred to the committee on ways and means.

Mr. Steele introduced a bill entitled "An act to amend chapter 332 of the Laws of 1890, entitled 'An act to authorize the supervisor, justices of the peace and town clerk, of any town having a population of more than 3,000, to license and regulate all public hacks, vehicles, venders, shows, concerts and public amusements in such town,' in relation to the licensing and regulation of public hacks, vehicles, venders, shows, concerts, merry-go-rounds and other forms of public amusements, prescribing a penalty for violation of this act and the manner of its enforcement" (Int. No. 806), which was read the first time and referred to the committee on internal affairs.

Mr. Tenjost introduced a bill entitled "An act to amend chapter 112 of the Laws of 1896, and the acts amendatory thereof and supplementary thereto, known as the Liquor Tax Law" (Int. No. 807), which was read the first time and referred to the committee on excise.

Also, a bill entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo' in relation to the position of storekeeper in the fire department of said city" (Int. No. 808), which was read the first time and referred to the committee on affairs of cities.

Mr. Wadsworth introduced a bill entitled "An act to provide annual reports by and the examination of accounts of counties, cities of the second and third classes and villages having a population of 3,000 or more, the tabulation of comparative statistics as to the cost of maintaining the various branches of government

in such municipalities and making an appropriation therefor" (Int. No. 809), which was read the first time and referred to the committee on affairs of cities.

Mr. Wainwright introduced a bill entitled "An act to amend the charter of the city of New Rochelle in relation to the leasing of certain privileges in Hudson Park" (Int. No. 810), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to authorize the city of New Rochelle to compensate John Hettinger for injury to his real property caused by the grading and completing of Horton avenue and Brooks street in said city and to authorize the issuance of certificates of indebtedness therefor" (Int. No. 811), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to authorize the common council of the city of New Rochelle, to procure an assessment map of said city, and to issue bonds in payment therefor" (Int. No. 812), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend section 38 of chapter 128 of the Laws of 1899, entitled 'An act to incorporate the city of New Rochelle'" (Int. No. 813), which was read the first time and referred to the committee on affairs of cities.

Mr. Wemple introduced a bill entitled "An act to authorize the city of Schenectady to borrow money and issue the bonds of said city therefor, for the purpose of purchasing the buildings and premises now used, occupied and owned by the Hospital Association of said city and for the repairing and renovation of said buildings and premises" (Int. No. 814), which was read the first time and referred to the committee on affairs of cities.

Mr. Leggett introduced a bill entitled "An act to amend the Public Lands Law, by including certain lands of the State as a part of the State Reservation at Niagara" (Int. No. 815), which was read the first time and referred to the committee on general laws.



Mr. Newton introduced a bill entitled "An act to amend chapter 160 of the Laws of 1900, entitled 'An act to incorporate the city of Cortland' relative to revising certain sections of the charter" (Int. No. 816), which was read the first time and referred to the committee on affairs of cities.

Mr. O'Neill introduced a bill entitled "An act to amend chapter 4 of the Laws of 1891, entitled 'An act to provide for rapid transit railways in cities of over 1,000,000 inhabitants,' in relation to presentation of claims" (Int. No. 817), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent,

Mr. Foelker introduced a bill entitled "An act to amend the Greater New York charter in relation to opening streets, known as section 970" (Int. No. 818), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent,

Mr. Palmer introduced a bill entitled "An act to amend chapter 909 of the Laws of 1896, being an act entitled 'An act in relation to the elections constituting chapter 6 of the general laws,' passed May 27, 1896, by adding thereto an additional article to be known as article 9" (Int. No. 819), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend chapter 909 of the Laws of 1896, being an act entitled 'An act in relation to the elections, constituting chapter 6 of the general laws,' passed May 27, 1896, by adding thereto an additional article to be known as article 9" (Int. No. 820), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend section 41-n of chapter 676 of the laws of 1881, being an act entitled 'An act to establish a Penal Code,' as amended by chapter 885 of the Laws of 1895" (Int. No. 821), which was read the first time and referred to the committee on the judiciary.

Mr. Cox, from the committee on claims, to which was referred the bill introduced by Mr. Cox, (Int. No. 347) entitled "An act to release to Florence W. Barrett, all the right, title and interest



of the people of the State of New York, in and to certain real estate situate in the city of Buffalo, county of Erie and State of New York " (No. 386), reported in favor of the passage of the same with the following amendment:

Page 2, line 1, strike out the word "easterly" and substitute therefor the word "northerly".

ROBT. LYNN COX,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Cotton, from the committee on military affairs, to which was referred the bill introduced by Mr. Cotton, Int. No. 442, entitled "An act to amend the Military Code, relative to armories" (No. 471), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to amend the Railroad Law, relative to street railroad transfers in the counties of Kings and Queens." (No. 849, Int. No. 218.)

"An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments and sales to the city of New York for assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly." (No. 419, Int. No. 387.)

"An act to assess on the property benefited the cost and expense of constructing a bridge over the railroad tracks on Bronson avenue in the city of Rochester." (No. 624, Int. No. 561.)

"An act to empower the board of assessors of the city of New York to estimate and allow damages sustained by owners of real property fronting upon streets and avenues approaching the bridge over the Gowanus canal at Hamilton avenue, borough of Brooklyn, in the city of New York." (No. 454, Int. No. 425.)

"An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly." (No. 361, Int. No. 361.)

"An act to legalize, ratify and confirm certain contracts executed by a board of supervisors with the authorities of the county of Kings for the reception into the penitentiary of said county of persons sentenced to imprisonment in a county jail or penitentiary, and to authorize the payment of claims arising thereunder." (No. 520, Int. No. 478.)

"An act to amend the Public Health Law, in relation to the prosecution of violations of the law, in regard to the practice of medicine." (No. 493, Int. No. 463.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 19) entitled "An act to amend the Banking Law, in relation to the reports of trust companies" (Int. No. 19), reported the same with the following recommendations:

Page 2, line 5, insert hyphen in word "semi-annually."

Page 3, line 7, insert hyphen in word "semi-annually."

Same page, line 25, strike out the word "otherwise" and insert the word "elsewhere."

Page 4, line 25, insert a comma after the word "withheld."

Page 5, line 1, insert a comma after the word "recovered."

Same page, line 6, to the word "privilege" add the letter "s."

Same page, line 25, underscore the word "or," and insert a period after the word "located."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 567) entitled "An act to amend chapter 347 of the Laws of 1890, entitled 'An act to provide for the payment of the cost and expense of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by

the issue of bonds of said city, and providing for the payment of said bonds by local assessment,' relating to the collection of assessments and installments thereof" (Int. No. 518), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend chapter three hundred and forty-seven of the laws of eighteen hundred and ninety, entitled 'An act to provide for the payment of the cost and expenses of the construction of a trunk sewer on the east side of the Genesee river, in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments,' relating to the collection of assessments."

Page 1, line 2, after the word "ninety" insert the words "entitled 'An act to provide for the payment of the cost and expenses of the construction of a trunk sewer on the east side of the Genesee river, in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments.'"

Same page, line 3, strike out the words "so as."

Same page, line 4, insert a comma after the word "assessment."

Page 2, line 2, insert a comma after the word "annum," and a period after the word "due."

Same page, line 5, strike out the word "so."

Same page, line 6, strike out the first word "as."

Same page, line 26, strike out the underscoring under the words "in case any assessment."

Page 3, line 9, insert a comma after the word "thereon."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision to which was referred the bill (No. 600) entitled "An act to amend section 600 of the Penal Code" (Int. No. 549), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the Penal Code, relative to bank officers."

Page 1, line 1, insert a comma after the word "code."

Same page, line 2, strike out the word "so as."

Same page, line 5, strike out the word "any" and insert the word "an."

Same page, line 7, insert a comma after word "association" and underscore the word "either."

Same page, line 8, underscore figure "1" and word "banking."

Same page, line 9, strike out the word "saving" and insert the word "savings" and underscore the words "association, savings bank or trust company."

Same page, line 10, underscore the word "any."

Page 2, line 1, insert a semicolon after the word "company."

Same page, line 9, insert a comma after the word "exchange." and strike out the comma after the word "by."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 647) entitled "An act to amend section 188 of chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira' as amended by chapter 43 of the Laws of 1901, and chapter 367 of the Laws of 1904 in relation to the officers of the police force and their duties" (Int. No. 580), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira,' in relation to the police force."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Code of Civil Procedure, in relation to exemptions and executions." (No. 750, Int. No. 50.)

“An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads.” (No. 30, Int. No. 706.)

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on military affairs be discharged from the further consideration of Assembly bill No. 883, entitled “An act to amend the Military Code, in relation to allowances to enlisted men, and the loss or damage of State property” (Int. No. 768), and that said bill be referred to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The bill (No. 747) entitled “An act to repeal chapter 439 of the Laws of 1876, entitled ‘An act relating to the expenses of judicial sales in the county of Kings,’ as amended by chapter 167 of the Laws of 1889” (Int. No. 40), having been announced for a third reading,

On motion of Mr. Dowling, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The bill (No. 746) entitled “An act to amend chapter 264 of the Laws of 1838, entitled ‘An act to incorporate the village of Kinderhook, in the county of Columbia’” (Int. No. 522), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hastings	Palmer	Smith A E
Allen F E	Cox	Hooker	Parker	Smith J E
Allen J G	Cunningham	Hooper	Patton	Smith R H
Anderson	Dale	Hubbs	Pendry	Standart



Apgar	Dodd	Hurd	Perham	Stanley
Bass	Donovan	Kavanaugh	Perry	Stevens
Becker	Dowling	Knapp	Phillips	Sullivan
Bedell	Ellis	La Fetra	Plank	Tenjust
Beebe	Etzel	La Rue	Platt	Thompson G F
Beihilf	Evans	Leggett	Pratt	Thompson J A
Bird	Everett	Lewis	Prentice	Thonet
Bisland	Fish	Machacek	Prince	Tompkins
Brady	Fitzsimons	Maier	Quinn	Wade
Brooks	Foelker	Malloy	Reeve	Wagner
Burnett	Foster	Mathews T F	Reilly	Wadsworth
Burns	Francisco	Matthews C R	Rigby	Wainwright
Burzynski	Freidel	McKeown	Rogers	Wedemeyer
Byrne	Fuller	McManus	Salomon	West
Cadin	Gardner	Mead	Sammon	Wemple
Cahn	Grady	Merritt	Santee	Whitney F G
Callahan	Grattan	Miller	Schoeneck	Whitney G H
Carrier	Gray	Monroe	Scovill	Wiegand
Caughlan	Gurnett	Moreland	Shanahan	Wilson
Charles E E	Hackett	Murphy	Sheehy	Wolf
Charles W B	Hammond	Newton	Sherry	Wood F C
Cooke	Hanford	Nugent	Shuttleworth	Yale
Coon	Hapeman	Ogden	Slocum	Young
Cotton	Hartman	O'Neill	Smith A P	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 749) entitled "An act to amend the Penal Code, prohibiting the corrupt influencing of agents, employees or servants" (Int. No. 388), having been announced for a third reading,

On motion of Mr. Stanley, said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 748) entitled "An act to amend the Code of Civil Procedure, in relation to pending actions or proceedings" (Int. No. 365), having been announced for a third reading,

On motion of Mr. Bedell, and by unanimous consent, said bill was ordered placed on the third reading calendar for Thursday next.

The Senate bill (No. 276) entitled "An act in relation to the abolishment and removal of the Kings county penitentiary" (Rec. No. 22), having been announced for a third reading,

On motion of Mr. Rogers, said bill was laid aside, retaining its place on the order of third reading.

The Senate bill (No. 85) entitled "An act to provide for the appointment of an assistant district attorney in Fulton county" (Rec. No. 74), was read the third time, having been printed

and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 121

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hartman	O'Neill	Smith A P
Allen F E	Cowan	Hastings	Palmer	Smith A E
Allen J G	Cunningham	Hooper	Parker	Smith J T
Anderson	Dale	Hornidge	Patton	Smith R H
Bass	Dodd	Hurd	Pendry	Standart
Bedell	Donovan	Kavanaugh	Perham	Stanley
Beebe	Dowling	Knapp	Phillips	Stevens
Beihlf	Ellis	La Fetra	Plank	Sullivan
Bird	Etzel	La Rue	Platt	Tenjost
Bisland	Evans	Leggett	Prentice	Thompson G F
Brady	Everett	Lewis	Prince	Thonet
Brooks	Fish	Maier	Quinn	Tompkins
Burnett	Foelker	Malloy	Reeve	Waddell
Burns	Foster	Mathews T F	Reilly	Wadsworth
Burzynski	Francisco	Matthews C R	Rigby	Wainwright
Byrne	Freidel	McKeown	Rosenstein	West
Cadin	Fuller	McManus	Salomon	Wemple
Cahn	Gates	Mead	Sammon	Whitney F G
Callahan	Grady	Merritt	Santee	Wiegand
Carrier	Grattan	Miller	Scovill	Wilsnack
Caughlan	Gray	Monroe	Shanahan	Wolf
Charles E E	Gurnett	Moreland	Sheldon	Wood F C
Charles W B	Hammond	Murphy	Sherry	Wood F X
Cooke	Hanford	Newton	Shuttleworth	Yale
Coon	Hapeman	Nugent	Slocum	Young
Cotton				

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 328) entitled "An act amending section 162 of the Town Law relating to auditing town accounts" (Rec. No. 35), having been announced for a third reading,

Mr. Thompson moved that said bill be recommitted to the committee on internal affairs, with instructions to report the same forthwith amended as follows:

Page 2, line 4, strike out the words "or in which he is interested directly or indirectly."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Hooker, from the committee on internal affairs, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The Senate bill (No. 264) entitled "An act to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of purchasing sites and erecting buildings for the use of the fire and police departments and to provide a sinking fund to pay principal and interest of said bonds" (Rec. No. 76), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 119

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hubbs	Palmer	Standart
Allen F E	Dodd	Kavanaugh	Patton	Stanley
Allen J G	Donovan	Knapp	Pendry	Steele
Anderson	Dowling	La Fetra	Perry	Sullivan
Apgar	Etzel	La Rue	Phillips	Tenjost
Bass	Evans	Leggett	Plank	Thompson J A
Becker	Fish	Lewis	Pratt	Thonet
Bedell	Fitzsimons	Machacek	Prentice	Tompkins
Beebe	Foelker	Maier	Prince	Waddell
Beihlf	Foster	Malloy	Reeve	Wagner
Bisland	Francisco	Mathews T F	Reilly	Wadsworth
Brooks	Freidel	Matthews C R	Rigby	Wainwright
Burnett	Gardner	McKeown	Rosenstein	Wedemeyer
Burns	Gates	McManus	Salomon	West
Byrne	Grady	Mead	Santee	Whitney F G
Cadin	Gray	Merritt	Schoeneck	Whitney G H
Cahn	Gurnett	Miller	Shanahan	Wiegand
Carrier	Hammond	Monroe	Sheehy	Wilsnack
Charles E E	Hapeman	Moreland	Sherry	Wolf
Charles W B	Hartman	Murphy	Shuttleworth	Wood F C
Coon	Hastings	Newton	Smith A P	Wood F X
Coutant	Hooker	Nugent	Smith A E	Yale
Cowan	Hooper	Ogden	Smith J T	Young
Cox	Hornidge	O'Neill	Smith R H	

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 265) entitled "An act to authorize the common council of the city of Mount Vernon to use moneys now in the deficiency fund of said city to pay deficiencies in the sum appropriated for the support of the fire department" (Rec. No. 56), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hooker	Palmer	Smith R H
Allen F E	Donovan	Hooper	Parker	Standart
Allen J G	Dowling	Hornidge	Patton	Stanley
Anderson	Ellis	Hubbs	Perham	Steele
Bass	Etzel	Kavanaugh	Perry	Stevens
Becker	Evans	Knapp	Phillips	Sullivan
Bedell	Everett	La Fetra	Platt	Tenlost
Beihilf	Fish	La Rue	Pratt	Thompson J A
Bird	Fitzsimons	Leggett	Prince	Thonet
Bisland	Foelker	Lewis	Quinn	Tompkins
Brady	Foster	Machacek	Reeve	Waddell
Brooks	Francisco	Malloy	Reilly	Wagner
Burns	Freidel	Mathews T F	Rogers	Wadsworth
Burzynski	Fuller	Matthews, C R	Rosenstein	Wainwright
Byrne	Gardner	McKeown	Salomon	Wedemeyer
Cadin	Gates	McManus	Sammon	West
Cahn	Grady	Mead	Schoeneck	Whitney F G
Callahan	Grattan	Merritt	Scovill	Whitney G H
Caughlan	Gray	Miller	Sheehy	Wiegand
Charles E E	Gurnett	Monroe	Sheldon	Wilsnack
Charles W B	Hackett	Moreland	Sherry	Wolf
Cooke	Hammond	Murphy	Shuttleworth	Wood F C
Coon	Hanford	Newton	Slocum	Wood F X
Cotton	Hapeman	Nugent	Smith A E	Yale
Cowan	Hartman	Ogden	Smith J E	Young
Cunningham	Hastings	O'Neill		

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 62) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, in relation to the annual assessment rolls" (Rec. No. 18), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Kavanaugh	Perry	Standart
Allen F E	Dodd	Knapp	Phillips	Stanley
Allen J G	Donovan	La Fetra	Plank	Steele
Anderson	Dowling	La Rue	Platt	Stevens
Apgar	Ellis	Lewis	Pratt	Sullivan
Becker	Etzel	Machacek	Prince	Tenjost
Bedell	Evans	Maier	Quinn	Thompson G F
Beebe	Everett	Malloy	Reeve	Thompson J A
Beihill	Fish	Mathews T F	Reilly	Thonet
Bird	Foelker	Matthews, C R	Rigby	Waddell
Bisland	Foster	McKeown	Rogers	Wade
Brooks	Francisco	McManus	Rosenstein	Wagner
Burnett	Freidel	Mead	Salomon	Wadsworth
Burns	Fuller	Merritt	Sammon	Wainwright
Burzynski	Gardner	Miller	Santee	Wedemeyer
Cadin	Gates	Monroe	Schoeneck	West
Cahn	Grattan	Moreland	Scovill	Wemple
Carrier	Gurnett	Murphy	Shanahan	Whitney F G
Caughlan	Hackett	Newton	Sheehy	Whitney G H
Charles E E	Hanford	Nugent	Sheldon	Wilsnack
Charles W B	Hapeman	Ogden	Shuttleworth	Wilson
Coon	Hartman	O'Neill	Slocum	Wolf
Cotton	Hastings	Palmer	Smith A E	Wood F C
Coutant	Hooper	Parker	Smith J E	Wood F X
Cowan	Hornidge	Patton	Smith J T	Yale
Cox	Hurd	Perham	Smith R H	Young
Cunningham				

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 209) entitled "An act to amend the Greater New York charter, relative to the powers of the board



of estimate and apportionment " (Rec. No. 75), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Knapp	Perry	Smith R H
Allen F E	Dowling	La Fetra	Phillips	Standart
Anderson	Ellis	La Rue	Plank	Stanley
Apgar	Etzel	Leggett	Platt	Steele
Bass	Evans	Lewis	Pratt	Stevens
Bedell	Fish	Machacek	Prentice	Sullivan
Beihilf	Fitzsimons	Maier	Prince	Tenjost
Bisland	Foelker	Malloy	Reeve	Thompson J A
Brady	Foster	Mathews T F	Reilly	Thonet
Brooks	Francisco	Matthews, C R	Rigby	Tompkins
Burnett	Freidel	McKeown	Rogers	Waddell
Burns	Fuller	McManus	Rosenstein	Wade
Burzynski	Gardner	Mead	Salomon	Wagner
Byrne	Gates	Merritt	Sammon	Wadsworth
Cadin	Grady	Miller	Santee	Wainwright
Cahn	Gray	Monroe	Scovill	Wedemeyer
Carrier	Gurnett	Moreland	Shanahan	Wemple
Charles E E	Hackett	Murphy	Sheehy	Whitney F G
Charles W B	Hanford	Newton	Sheldon	Whitney G H
Cooke	Hapeman	Nugent	Sherry	Wiegand
Coon	Hartman	Ogden	Shuttleworth	Wilsnack
Cotton	Hastings	O'Neill	Slocum	Wilson
Coutant	Hooker	Palmer	Smith A P	Wolf
Cowan	Hooper	Parker	Smith A E	Wood F X
Cunningham	Hubbs	Patton	Smith J E	Yale
Dale	Hurd	Pendry	Smith J T	Young
Dodd	Kavanaugh	Perham		

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 266) entitled "An act to amend chapter 402 of the Laws of 1903, entitled 'An act to repeal title 8 of chapter 182 of the Laws of 1892, entitled "An act to incorporate the city of Mount Vernon, and to insert therein a new title relating to the police department of said city" ' ' ' (Rec. No. 57), was

read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 145

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hornidge	Perham	Smith R H
Allen J G	Cunningham	Hubbs	Perry	Standart
Anderson	Dale	Hurd	Phillips	Stanley
Apgar	Dodd	Kavanaugh	Plank	Steele
Bass	Donovan	La Fetra	Platt	Stevens
Becker	Dowling	La Rue	Pratt	Sullivan
Bedell	Ellis	Leggett	Prentice	Tenjost
Beebe	Etzel	Lewis	Prince	Thompson G F
Beihliff	Evans	Machacek	Quinn	Thompson J A
Bird	Everett	Maier	Reeve	Thonet
Bisland	Fish	Malloy	Reilly	Tompkins
Brady	Fitzsimons	Mathews T F	Rigby	Waddell
Brooks	Foelker	Matthews, C R	Rogers	Wade
Burnett	Foster	McKeown	Rosenstein	Wagner
Burns	Francisco	McManus	Salomon	Wadsworth
Burzynski	Fuller	Mead	Sammon	Wainwright
Byrne	Gardner	Merritt	Santee	Wedemeyer
Cadin	Gates	Miller	Schoeneck	West
Cahn	Grady	Monroe	Scovill	Wemple
Callahan	Grattan	Moreland	Shanahan	Whitney F G
Carrier	Gray	Murphy	Sheehy	Whitney G H
Caughlan	Gurnett	Newton	Sheldon	Wiegand
Charles E E	Hackett	Nugent	Sherry	Wilsnack
Charles W B	Hammond	Ogden	Shuttleworth	Wilson
Cooke	Hanford	O'Neill	Slocum	Wolf
Coon	Hapeman	Palmer	Smith A P	Wood F C
Cotton	Hastings	Parker	Smith A E	Wood F X
Coutant	Hooker	Patton	Smith J E	Yale
Cowan	Hooper	Pendry	Smith J T	Young

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 28) entitled "An act to amend section 1086 of the Code of Civil Procedure relative to excusing jurors" (Rec. No. 52), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hornidge	Pendry	Standart
Allen F E	Cunningham	Hubbs	Perham	Stanley
Allen J G	Dodd	Kavanaugh	Perry	Steele
Anderson	Donovan	Knapp	Plank	Stevens
Apgar	Dowling	La Fetra	Platt	Sullivan
Bass	Ellis	La Rue	Pratt	Tenjust
Becker	Etzel	Leggett	Prentice	Thompson G F
Bedell	Evans	Machacek	Prince	Thompson J A
Beebe	Everett	Maier	Quinn	Thonet
Beihlf	Fish	Malloy	Reeve	Tompkins
Bird	Fitzsimons	Mathews T F	Rigby	Wade
Bisland	Foster	Matthews C R	Rogers	Wagner
Brady	Francisco	McKeown	Rosenstein	Wainwright
Brooks	Freidel	McManus	Salomon	Wedemeyer
Burnett	Fuller	Mead	Sammon	West
Burns	Gardner	Merritt	Schoeneck	Wemple
Burzynski	Gates	Miller	Scovill	Whitney F G
Byrne	Grady	Monroe	Shanahan	Whitney G H
Cahn	Grattan	Moreland	Sheely	Wiegand
Callahan	Gray	Murphy	Sheldon	Wilsnack
Carrier	Hackett	Newton	Sherry	Wilson
Caughlan	Hammond	Nugent	Shuttleworth	Wolf
Charles W B	Hanford	Ogden	Smith A P	Wood F C
Cooke	Hapeman	O'Neill	Smith A E	Wood F X
Coon	Hastings	Palmer	Smith J E	Yale
Cotton	Hooker	Parker	Smith J T	Young
Cowan	Hooper	Patton	Smith R H	

Ordered, That the Clerk return said bill to the Senate with a message that the Assembly have concurred in the passage of the same.

The bill (No. 689) entitled "An act to amend the Banking Law, relative to securities in which deposits in savings banks may be invested" (Int. No. 623), having been announced for a second reading,

On motion of Mr. J. T. Smith, said bill was laid aside, retaining its place on the order of second reading.

The bill (No. 715) entitled "An act to amend the Insurance Law in relation to life and casualty insurance corporations upon the co-operative or assessment plan" (Int. No. 635), having been announced for a second reading,

On motion of Mr. Lewis, said bill was laid aside, retaining its place on the order of second reading.

The bill (No. 714) entitled "An act to amend article 1, section 52, of chapter 690 of the Laws of 1892, as amended by chapter 725 of the Laws of 1893, as amended by chapter 722 of the Laws of 1901, constituting chapter 38 of the general laws, and known as the Insurance Law" (Int. No. 215), having been announced for a second reading,

On motion of Mr. Lewis, said bill was laid aside, retaining its place on the order of second reading.

The bill (No. 814) entitled "An act to amend section 3 of title 5 of chapter 556 of the Laws of 1894, entitled 'An act to revise, amend and consolidate the general acts relating to public instruction'" (Int. No. 484), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading.

On motion of Mr. Wainwright, said bill was recommitted to the committee on public education, retaining its place on the order of third reading.

The bill (No. 815) entitled "An act to provide for clearing out the obstructions from the outlet of Parker's pond, in the town of Cato, county of Cayuga, and for paying the cost thereof" (Int. No. 510), was read the second time.

On motion of Mr. Hapeman, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 820) entitled "An act to amend the Forest, Fish and Game Law in relation to pike in the counties of Oneida, Madison, Oswego and Onondaga" (Int. No. 534), was read the second time.

On motion of Mr. Hammond, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 821) entitled "An act to amend the Forest, Fish and Game Law in relation to the close season on hares and rabbits" (Int. No. 476), was read the second time.

On motion of Mr. Bisland, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 853) entitled "An act to amend section 1269 of the Code of Civil Procedure, relative to the power of a court respecting the docket of its judgments" (Int. No. 421), was read the second time.

On motion of Mr. Beihlf, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 854) entitled "An act to amend chapter 528 of the Laws of 1902, entitled 'An act to regulate the sales of merchandise in bulk,' relative to notice, as amended by chapter 569 of the Laws of 1904" (Int. No. 441), was read the second time.

On motion of Mr. Cahn, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 857) entitled "An act to amend the Agricultural Law relative to compensation to owners of animals destroyed because of tuberculosis" (Int. No. 279), was read the second time.

On motion of Mr. Cowan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 851) entitled "An act to amend the Code of Civil Procedure in relation to the appointment and compensation of stenographers in surrogates' courts in certain counties" (Int. No. 397), was read the second time.

On motion of Mr. Bisland, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 850) entitled "An act to amend section 1774 of the Code of Civil Procedure relating to judgments in matrimonial actions" (Int. No. 312), was read the second time.

On motion of Mr. Wade, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 849) entitled "An act to amend the Railroad Law relative to street railroad transfers in the counties of Kings and Queens" (Int. No. 218), was read the second time.

On motion of Mr. Wilsnack, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 848) entitled "An act to amend the Code of Criminal Procedure in relation to return by magistrate of state-



ment to district attorney in certain counties" (Int. No. 215), was read the second time.

On motion of Mr. Hammond, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 356, Assembly reprint No. 803) entitled "An act to amend the Penal Code relative to the sale and possession of dangerous weapons" (Rec. No. 38), having been announced for a second reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was ordered placed on the second reading calendar for Wednesday next.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill No. 352, entitled "An act to amend chapter 264 of the Laws of 1838, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia' relative to the boundaries of said village" (Rec. No. 54), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Also, the following:

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill No. 37, entitled "An act to legalize the acts of Edward S. More, a notary public" (Rec. No. 8), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the following entitled bills, with a mes-

sage that they have concurred in the passage of the same without amendment:

“An act to legalize the bonds of the village of Fonda, Montgomery county, N. Y., amounting to the sum of \$23,000, issued for the purpose of defraying the cost and expense of paving certain streets in said village with macadam pavement, and to provide for the payment of the principal and interest of said bonds.” (No. 382, Int. No. 343.)

“An act to legalize the proceedings of the town board of the town of Granger, county of Allegany, and the proceedings and resolution of the board of supervisors of Allegany county, in respect to the issue of bonds by such town to pay certain indebtedness thereof.” (No. 638, Int. No. 465.)

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the Senate bill (No. 268, Assembly reprint No. 704) entitled “An act to ratify the proceedings of the board of supervisors of the county of Orange in authorizing the issuance of \$500,000 road bonds of said county, to ratify and confirm the sale at public auction of \$300,000 of said bonds, to provide for security to be given by the officer issuing the same, and to provide for the raising of taxes to pay the principal and interest of said bonds” (Rec. No. 24), with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

On motion of Mr. Rogers, the House adjourned.

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### WEDNESDAY, MARCH 1, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Perham was excused until Monday, March 6.

The privileges of the floor were extended to Hon. Charles McCormick.

Mr. Speaker presented the Secretary of State's report of the Statistics of Crime in this State, which was laid upon the table. The Senate sent for concurrence the following entitled bill: "An act authorizing the board of estimate and apportionment of the city of New York to make an appropriation for a monument to the memory of the unidentified dead who were victims of the Slocum disaster, and providing for the erection of such monument" (No. 472, Rec. No. 95), which was read the first time and referred to the committee on affairs of cities.

Mr. Becker introduced a bill entitled "An act to extend the boundaries of the city of Rochester, and to include therein the village of Brighton and a portion of the town of Brighton" (Int. No. 822), which was read the first time and referred to the committee on affairs of cities.

Mr. Bedell introduced a bill entitled "An act to amend section 22 of the Agricultural Law, entitled 'An act in relation to agriculture constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws'" (Int. No. 823), which was read the first time and referred to the committee on agriculture.

Mr. Bisland introduced a bill entitled "An act making an appropriation to the State Engineer for preparing surveys and estimates of the probable expense for constructing dikes and barriers along the Delaware river in the county of Sullivan" (Int. No. 824), which was read the first time and referred to the committee on ways and means.

Mr. Burzynski introduced a bill entitled "An act to provide for the issuing of return tickets by street surface railroads in certain cities" (Int. No. 825), which was read the first time and referred to the committee on railroads.

Mr. La Fetra introduced a bill entitled "An act to provide for the payment of the claim of James R. F. Kelly and William D. Kelley, against the city of New York, for work and labor done and services rendered and materials furnished for a sewer on East two hundred and fourth street, in said city" (Int. No. 826), which was read the first time and referred to the committee on affairs of cities.

Mr. Leggett introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claims of Charles F. Parker and company against the State for damages alleged to have been sustained by it, and to render judgment therefor" (Int. No. 827), which was read the first time and referred to the committee on claims.

Mr. McKeown introduced a bill entitled "An act to amend the Greater New York charter, relating to the salary of the deputy chief of fire department in charge of the boroughs of Brooklyn and Queens" (Int. No. 828), which was read the first time and referred to the committee on affairs of cities.

Mr. Patton introduced a bill entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, 1904, of interest on the canal debt contracted, or to be contracted, under article 7, section 4 of the Constitution, and as provided by chapter 147 of the Laws of 1903" (Int. No. 829), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act making an appropriation for the payment for the fiscal year beginning on the first day of October, 1905, of interest on the canal debt contracted, or to be contracted, under article 7, section 4 of the Constitution, and as provided by chapter 147 of the Laws of 1903" (Int. No. 830), which was read the first time and referred to the committee on ways and means.

Mr. Rosenstein introduced a bill entitled "An act to impose a stamp tax on the manufacture of cigarettes" (Int. No. 831), which was read the first time and referred to the committee on taxation and retrenchment.

Mr. Schoeneck introduced a bill entitled "An act to amend the Banking Law, relative to the powers of trust companies" (Int. No. 832), which was read the first time and referred to the committee on banks.

Mr. Shuttleworth introduced a bill entitled "An act to amend the Agricultural Law in relation to butter and cheese factories" (Int. No. 833), which was read the first time and referred to the committee on agriculture.



Mr. Stanley introduced a bill entitled "An act to amend article 6 of the Lien Law, relative to the lien of keepers of automobile garages" (Int. No. 834), which was read the first time and referred to the committee on general laws.

Mr. Stevens introduced a bill entitled "An act to create a new boundary line between the Sixth and Twelfth wards of the city of Troy" (Int. No. 835), which was read the first time and referred to the committee on affairs of cities.

Mr. Tenjost introduced a bill entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of purchasing school lots and erecting, completing and enlarging school buildings" (Int. No. 836), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act fixing the compensation of the superintendent of the poor of the county of Erie and of his subordinates" (Int. No. 837), which was read the first time and referred to the committee on internal affairs.

Mr. G. F. Thompson introduced a bill entitled "An act to place certain restrictions, duties and liabilities on railroad corporations in relation to furnishing cars to shippers" (Int. No. 838), which was read the first time and referred to the committee on railroads.

Mr. Moreland introduced a bill entitled "An act to amend chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira,' relating to the powers of the commissioners of cemeteries, and the investment by them of the funds in their hands" (Int. No. 839), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend section 230 of chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira,' in relation to claims for damages arising from defective streets, sidewalks, etc." (Int. No. 840), which was read the first time and referred to the committee on affairs of cities.

Mr. Young introduced a bill entitled "An act empowering and authorizing the board of estimate and apportionment of the city



of New York in their discretion to refund assessments made upon property for acquiring title to two public parks or places on the East river, bounded by Eighty-fourth street, Eighty-sixth street, Avenue B and the East river, and Avenue B between Seventy-ninth and Eighty-third streets, and also for acquiring title to East River park, bounded by Eighty-sixth street, East river and Avenue B" (Int. No. 841), which was read the first time and referred to the committee on affairs of cities.

Mr. Bedell introduced a bill entitled "An act to amend the Railroad Law in relation to the incorporation and powers of railroad corporations" (Int. No. 842), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to amend the Code of Civil Procedure by inserting section 779-a, relating to actions to recover damages for personal injuries against two or more defendants" (Int. No. 843), which was read the first time and referred to the committee on codes.

Mr. Coutant introduced a bill entitled "An act to amend the General Municipal Law in relation to the acquisition of water rights in Ulster county" (Int. No. 844), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Cox introduced a bill entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' relating to ward boundaries" (Int. No. 845), which was read the first time and referred to the committee on affairs of cities.

Mr. Sullivan introduced a bill entitled "An act to create a pension fund for volunteer firemen to provide for the appointment of boards of commissioners and for the payment of an annual pension to indigent or permanently disabled firemen who have been or who may be honorably discharged in accordance with the laws of the State of New York governing the volunteer fire department organizations in the cities of the first, second and third class" (Int. No. 846), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter relative to fire marshals" (Int. No. 847), which was read the first time and referred to the committee on affairs of cities.

Mr. G. F. Thompson introduced a bill entitled "An act making an appropriation for cleaning out and improving the east branch of the Eighteen Mile creek, in the county of Niagara" (Int. No. 848), which was read the first time and referred to the committee on ways and means.

Mr. F. H. Wood introduced a bill entitled "An act to amend the Highway Law relating to the cutting and removing of weeds and brush and providing for the same when the highway is the boundary line between two or more towns" (Int. No. 849), which was read the first time and referred to the committee on internal affairs.

Mr. F. G. Whitney introduced a bill entitled "An act for the completion of a State harbor at Constantia, Oswego county, and making an appropriation therefor" (Int. No. 850), which was read the first time and referred to the committee on ways and means.

Mr. Cowan introduced a bill entitled "An act to amend chapter 855 of the Laws of 1869, entitled 'An act to extend the powers of boards of supervisors except in the counties of New York and Kings,' relative to the erection of public monuments" (Int. No. 851), which was read the first time and referred to the committee on internal affairs.

Mr. Hurd introduced a bill entitled "An act to provide material for the construction of State roads and relating to the Commissioners of the Palisades Interstate Park and extending their jurisdiction" (Int. No. 852), which was read the first time and referred to the committee on ways and means.

Mr. Cowan introduced a bill entitled "An act authorizing the Superintendent of Public Works to investigate and report as to the acquisition of toll bridges across the Delaware river between this State and the State of Pennsylvania" (Int. No. 853), which was read the first time and referred to the committee on ways and means.

Mr. Garnett introduced a bill entitled "An act to provide for the repairing and improving of the harbor and breakwater, in Seneca lake, at Watkins, on the Chemung canal, and making an appropriation therefor" (Int. No. 854), which was read the first time and referred to the committee on ways and means.

Mr. Wainwright introduced a bill entitled "An act to authorize the board of trustees of the village of White Plains to issue bonds for the purpose of paying certificates of indebtedness issued or to be issued in anticipation of the collection of taxes for local improvements" (Int. No. 855), which was read the first time and referred to the committee on affairs of villages.

Also, a bill entitled "An act to authorize the board of trustees of the village of White Plains to appoint an assessor and prescribe manner of collecting tax" (Int. No. 856), which was read the first time and referred to the committee on affairs of villages.

Also, a bill entitled "An act to authorize the board of trustees of the village of White Plains to acquire lands for the site of a public library and to maintain a public library and issue bonds therefor" (Int. No. 857), which was read the first time and referred to the committee on affairs of villages.

Mr. Yale introduced a bill entitled "An act to amend the General City Law relative to certain municipal contracts in cities of the second and third class" (Int. No. 858), which was read the first time and referred to the committee on affairs of cities.

Mr. Standart introduced a bill entitled "An act to amend the Code of Criminal Procedure in relation to practice on appeals" (Int. No. 859), which was read the first time and referred to the committee on codes.

Mr. Hammond introduced a bill entitled "An act to amend chapter 26 of the Laws of 1885, entitled 'An act to revise, amend and consolidate the several acts relative to the city of Syracuse, and to revise and amend the charter of said city,' relative to ward boundaries" (Int. No. 860), which was read the first time and referred to the committee on affairs of cities.

Mr. Cox introduced a bill entitled "An act creating a commission with power to agree upon a site and general plans of, and

to contract for the location and building of a union railroad passenger station, yard, and therewith connected facilities and approaches thereto in the city of Buffalo, and tributary thereto, to lease or sell and convey lands belonging to said city, to abandon and close now existing, and establish and open new, and change the location, width or grade of and otherwise improve docks, wharves, parks, streets and public places, and for these purposes to acquire lands and their appurtenances by condemnation proceedings or otherwise" (Int. No. 861), which was read the first time and referred to the committee on affairs of cities.

Mr. Prentice introduced a bill entitled "An act to amend the Code of Civil Procedure relative to precepts in dispossess proceedings" (Int. No. 862), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to service of precept in dispossess proceedings" (Int. No. 863), which was read the first time and referred to the committee on codes.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Rogers, Int. No. 198, entitled "An act making appropriations for the State charitable institutions, the New York State School for the Blind, and the Elmira Reformatory" (No. 198), reported in favor of the passage of the same with the following amendments:

Page 3, line 16, strike out the words "fire escapes, to reimburse" and insert the word "reimbursing."

Same page, lines 16 and 17, strike out the words "to this amount" and insert the words "for amount paid from said fund for fire escapes."

Page 4, line 24, strike out the word "Brooklyn" and insert the word "Brook."

Same page, line 25, after the word "shacks" strike out the words "for fifty patients."

Page 5, strike out lines 1 and 2 and insert instead thereof the words "For root cellar, completion of servants' quarters, grading and transplanting trees, one thousand five hundred dollars."



Same page, strike out lines 7, 8 and 9 and insert instead thereof the words "For reimbursing the maintenance fund for amount paid from said fund for furnishings and equipment of pavilions, tents and shacks, three thousand dollars."

Same page, line 11, strike out the words "five hundred dollars" and insert the words "seven hundred fifty dollars."

Same page, strike out lines 16 and 17, and insert instead thereof the words "For furnishing and equipment of pavilions, tents and shacks, three thousand dollars."

Same page, strike out lines 20, 21 and 22 and insert instead thereof the words "For five cottages, thirty-seven thousand five hundred dollars."

Page 6, line 2, after the word "buildings" strike out balance of line.

Same page, strike out all of line 3 except the comma and the word "sixty."

Same page, line 6, after the first word "of" insert the words "not less than," and after the word "hundred" insert the word "fifty."

Same page, line 7, strike out the words "five thousand five hundred" and insert the words "ten thousand."

Same page, after line 24, insert the words "New York State hospital for the care of crippled and deformed children at West Haverstraw."

"For sewer connections, five thousand dollars."

JAMES T. ROGERS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Wemple, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Davis, Rec. No. 58, entitled "An act to amend chapter 394 of the Laws of 1904, entitled 'An act to create and establish the office of commissioner of elections in the county of Erie and prescribing his duties,' relating to the duties of the commissioner" (No. 187), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 3, line 5, after the word "and" strike out the words "when approved by the county auditor," and after the word "be"



strike out the bracket; also, after the words "audited and" strike out the bracket.

W. W. WEMPLE,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Cox, Int. No. 684, entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the police force" (No. 772), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Sheldon, Int. No. 748, entitled "An act to amend chapter 478 of the Laws of 1893, entitled 'An act to incorporate the city of Olean,' in relation to commitments to the Erie county penitentiary" (No. 846), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. R. H. Smith, Int. No. 481, entitled "An act to amend chapter 665 of the Laws of 1897, entitled 'An act to lay out and establish and construct a public drive and parkway in the city of New York as an extension of Riverside drive to the Boulevard LaFayette,' relative to assessments of damages" (No. 523), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Cox, Int. No. 629, entitled "An act to authorize the city of Buffalo to convey by quitclaim deed to the Delaware, Lackawanna and Western Railroad Company and the New York, Lackawanna and Western Railway

Company a part of Liberty street in said city," (No. 709), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Burnett, Int. No. 664, entitled "An act to authorize the commissioners of the sinking fund of the city of New York to change a certain lease made by mayor, aldermen and commonalty of the city of New York, to the Hahne-mann Hospital of the city of New York to a grant to the said the Hahemann Hospital of the city of New York, and to authorize the sale and lease or mortgage of the property covered thereby, by the said the Hahnemann Hospital of the city of New York" (No. 752), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred bill introduced by Mr. Callahan, Int. No. 683, entitled "An act to amend chapter 14 of the Laws of 1880 entitled 'An act to further amend chapter 143 of the Laws of 1861 entitled 'An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, and to consolidate therewith the several acts in relation to the charter of said city,' relating to ordinances'" (No. 771), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. McManus, Int. No. 733, entitled "An act to amend the Greater New York charter relative to the department of health" (No. 832), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee of cities, to which was referred the bill introduced by Mr. Hapeman, Int. No. 774, entitled "An act to amend chapter 463 of the Laws of 1904, entitled 'An act authorizing the flushing of paved streets within the city of

Auburn, and providing the method and means of payment therefor' " (No. 888), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett from the committee on affairs of cities, to which was referred the bill introduced by Mr. F. E. Allen, Int. No. 501, entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof—relative to building and maintaining of sidewalks and curbing, and the cost thereof " (No. 551), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Cotton, Int. No. 477, entitled "An act to amend chapter 13 of the Laws of 1897, entitled 'An act to amend chapter 538 of the Laws of 1895, entitled "An act to amend chapter 429 of the Laws of 1894, entitled 'An act to amend chapter 585 of the Laws of 1893, entitled "An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial day, including the year 1893 " ' ' ' ' " (No. 477), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Leggett, Int. No. 337, entitled "An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' by fixing salary of stenographer of city court " (No. 337), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Leggett, Int. No. 451, entitled "An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the

city of Niagara Falls,' in relation to the powers of said city to acquire a water works system" (No. 481), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Cox, Int. No. 685, entitled "An act providing for the use of park lands in the city of Buffalo, for a pumping station in connection with the public waterworks in said city" (No. 773), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Newton, Int. No. 536, entitled "An act to amend chapter 160 of the Laws of 1900, entitled 'An act to incorporate the city of Cortland,' relative to revising certain sections of the charter" (No. 590), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Burnett, Int. No. 665, entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York and directing the comptroller to make such assessments accordingly" (No. 753), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Knapp, Int. No. 731, entitled "An act to amend chapter 269 of the Laws of 1902, entitled 'An act to incorporate the city of Plattsburgh,' in relation to salary of commissioner of charities" (No. 830), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.



Mr. Burnett, from the committee on affairs of cities, to which was recommitted the bill introduced by Mr. Yale, Int. No. 171, entitled "An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York" (No. 635), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was recommitted the bill introduced by Mr. Cahn, Int. No. 399, entitled "An act to provide for the extension of Exterior street from East Eighty-first street to East Eighty-second street in the borough of Manhattan, city of New York" (No. 903), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. O'Neill, Int. No. 643, entitled "An act to amend the charter of the Greater New York relative to the powers of city magistrates" (No. 723), reported in favor of the passage of the same with the following amendment:

Page 1, line 9, after the word "seven" insert the words "of part six."

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. La Petra, Int. No. 152, entitled "An act to amend the Greater New York charter, being chapter 378 of the Laws of 1897, as amended" (No. 152), reported the same with the following amendment, and request that said bill be recommitted to said committee.



Line 3 of the title, after the word "amended" insert the words "In relation to vesting of title and tenancy of property acquired by the city."

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was recommitted the bill introduced by Mr. Prentice, Int. No. 454, entitled "An act to amend the Greater New York charter, relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy" (No. 637), retaining its place on the order of second reading, reported in favor of the passage of the same with the following amendments:

Page 2, line 22, after the word "jail" strike out the words "to be detained."

Page 5, line 23, bracket the words "out and without compensation."

Page 7, line 19, after the word "duty" insert the words "if such commitment has been made to the workhouse or penitentiary."

Same page, line 20, after the word "person" insert the words "unless such person has been committed because of the fact that he is destitute or homeless."

Same page, line 21, after the second "system" strike out the word "and" and insert a period. Add the words "It shall also be his duty within such twenty-four hours."

Page 8, line 12, after the word "commitment" insert the words "the board of estimate and apportionment shall provide the salaries for such clerks and assistants as may be necessary to carry into effect the provisions of this section."

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and restored to its place on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill, introduced by Mr. Hill, Rec. No. 6, entitled "An act to authorize the city of Buffalo to issue its bonds

for the purpose of raising money to construct, maintain, extend, repair and regulate waterworks" (No. 154), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Hill, Rec. No. 17, entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the department of public instruction" (No. 155), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Elsberg, Rec. No. 48, entitled "An act to amend the Greater New York charter by exempting from levy and sale by virtue of an execution all pensions or annuities payable out of the public school teachers' retirement fund" (No. 282), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Riordan, Rec. No. 71, entitled "An act to amend the Greater New York charter, relative to the department of docks and ferries" (No. 95), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Gates, Int. No. 1, entitled "An act to amend an act entitled 'An act to provide for the acquiring of a site and the erection and furnishing of a new courthouse in the city of Utica for the use of the county of Oneida, and to provide means to defray the expenses thereof and to sell the present courthouse and site and the county clerk's office and site situate in Utica'" (No. 1), reported said bill for the consider-

ation of the House, with the following amendments, and request that said bill be printed:

Page 2, strike out all of section 12 and insert in place thereof the following:

"§ 12. The whole amount to be expended by the said board of commissioners, by virtue of this act, in the erection, completion and finishing of said new courthouse, the procuring of lands therefor, and in paying for the services of the clerk, architect, superintendent and assistant, and all other necessary expenses pertaining to the building or construction thereof, shall not exceed the sum of three hundred and fifty thousand dollars unless a proposition shall be adopted by the electors of the county of Oneida authorizing the expenditure of an additional sum of five hundred and twenty thousand dollars."

Pages 2 and 3, strike out all of section 16 and insert in place thereof the following:

"§ 16. There shall be submitted to the electors of the county of Oneida at the general election to be held in November, nineteen hundred and five, a proposition for the expenditure of a sum, not exceeding five hundred and twenty thousand dollars, in addition to the sum authorized by the act hereby amended, for the erection, completion and furnishing of the said new courthouse, and authorizing the borrowing of money and the issue of bonds therefor as hereinafter provided. Ballots for the submission of such proposition shall be prepared and furnished in the manner provided by the election law, and the provisions of such law relating to the submission of questions at elections shall apply, so far as practicable, to the submission of such proposition. The form of the proposition to be so submitted shall be substantially as follows: "Shall a sum not exceeding five hundred and twenty thousand dollars in addition to the sum authorized by section twelve of chapter eighty-nine of the laws of nineteen hundred and one, be expended for the erection, completion and furnishing of the new courthouse, and shall the county of Oneida borrow a sum not exceeding such amount for such purpose and issue its bonds therefor?" If a majority of the votes cast in such county be in favor of such proposition, there may be expended a sum not exceeding five hundred and twenty thousand dollars, in addition to the sum specified in section twelve of the act hereby amended for the purposes specified in such section and the board of supervisors shall provide for borrowing such part of such addi-

tional sum of five hundred and twenty thousand dollars, upon the faith and credit of the county of Oneida, as shall be required by said board of commissioners by resolution adopted by said board of commissioners which shall be certified to by the chairman and clerk of said board of commissioners and served upon the chairman or clerk of said board of supervisors or presented at any meeting of said board of supervisors. The bonds upon which said money is borrowed shall bear interest at the rate of three and one-half per centum per annum, payable semi-annually and the bonds shall be payable within forty years from the issue thereof, as shall be provided by said board of supervisors, but not less than twenty-two thousand nor more than twenty-five thousand dollars shall be made payable in any one year. All the provisions of said chapter eighty-nine of the laws of nineteen hundred and one, in regard to the raising of money, sale of bonds, disposal of the proceeds thereof and the payment of bonds, not inconsistent with this act, shall be applicable to the raising of the said additional sum of money, the sale of the bonds, the payment thereof, the disposition of the proceeds thereof and the accounting therefor under this act."

S. PERCY HOOKER,

*Chairman.*

Which report was agreed to and said bill placed on the order of second reading.

On motion of Mr. Hooker, and by unanimous consent, said bill with pending amendments was made a special order on second and third reading for Wednesday next immediately after the reading of the journal.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Dowling, Int. No. 381, entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of index clerks, custodians, comparing clerks and messengers" (No. 414), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wainwright, Int. No.



616, entitled "An act to amend chapter 550 of the Laws of 1903, entitled 'An act to amend chapter 537 of the Laws of 1901, entitled "An act to amend chapter 687 of the Laws of 1894, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail of Westchester county and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,' " as amended by chapter 420 of the Laws of 1895 and by chapter 310 of the Laws of 1899, relative to the powers and duties of sheriff ' " (No. 682), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Miller, Int. No. 670, entitled "An act to amend chapter 686 of the Laws of 1894, entitled, as amended, 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' by exempting certain roads from certain of the provisions thereof " (No. 758), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wilsnack, Int. No. 528, entitled "An act creating a commission to investigate the condition of certain marshes in the vicinity of Staten Island, as affecting the public health, or the property values and other interests of Staten Island " (No. 575), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was recommitted the bill introduced by Mr. Hastings, Int. No. 382, entitled "An act to amend chapter 44 of the Laws of 1853, entitled 'An act for the better support of the poor in the town of Newburgh, in the county of Orange,' in relation to the corporate



name and terms of the commissioners of the almshouse" (No. 812), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was recommitted the bill introduced by Mr. Gates, Int. No. 228, entitled "An act to amend the County Law in relation to the power of the board of supervisors of any county to sell, assign, transfer or set over a judgment obtained in the Court of Claims by such county against the State of New York" (No. 813), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. G. H. Whitney, Int. No. 769, entitled "An act to legalize and provide for the payment of bonds of the town of Moreau in the county of Saratoga, directed to be issued by the board of supervisors of said county, for the purpose of defraying the cost of constructing a new bridge in said town" (No. 884), reported in favor of the passage of the same with the following amendment:

Page 3, line 7, after the word "immediately" insert the words "but shall not affect any action or proceeding pending in any court at the time it takes effect."

S. PERCY HOOKER,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Stevens, Int. No. 445, entitled "An act to amend chapter 236 of the Laws of 1860, entitled 'An act to legalize the State and county taxes in the county of Rensselaer for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy

for unpaid State and county taxes,' and the several acts amendatory thereof and supplemental thereto in relation to the assessment, taxation and collection of taxes and the sale and conveyance of land for nonpayment thereof in the county of Rensselaer " (No. 474), reported in favor of the passage of the same with the following amendments:

Page 6, after line 6, insert the following:

" § 18. This act shall not affect any land owned by the state or upon which the people of this state may have a lien."

Same page, between lines 6 and 7, insert the following:

" § 19. This act shall take effect immediately."

S. PERCY HOOKER,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. J. T. Smith, Int. No. 598, entitled "An act to amend the County Law relative to the salaries of the county judge and the surrogate of Dutchess county " (No. 664), reported in favor of the passage of the same with the following amendments:

Page 1, strike out all of lines 6, 7, 8, 9 and insert in place thereof the following:

	Name of	Salary of	Salary of
" Sub.	county.	county judge.	surrogate.
13.	Dutchess.	3,000.00 [2,000.00]	3,500.00 [2,000.00] "

At the end thereof insert the following:

§ 2. This act shall take effect January first, nineteen hundred and eight."

S. PERCY HOOKER,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Rigby, Int. No. 531, entitled "An act to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county

of Westchester, and to provide means for the payment therefor" (No. 549), reported the same with the following substitute bill (See Appendix No. 6), and request that said substitute bill be printed and recommitted to said committee, which report was agreed to and said substitute bill ordered printed and recommitted to said committee.

Mr. Hooker, from the committee on internal affairs, to which was referred the Senate bill introduced by Mr. Fechter, Rec. No. 49, entitled "An act to amend chapter 173 of the Laws of 1895, entitled 'An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie, relative to the office of the county auditor'" (No. 254), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Parker, Int. No. 678, entitled "An act to legalize and confirm the proceedings of 'the board of education of the village of Salem,' and legal voters of union free school district No. 12 of the town of Salem, Washington county, relative to the levy of a tax payable in installments and the issuance and sale of certain school bonds of said district" (No. 766), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Wainwright, Int. No. 440, entitled "An act to amend section 30 of article 5, title 8 of chapter 556 of the Laws of 1894, entitled 'An act to revise, amend and consolidate the general acts relating to public instruction'" (No. 469), reported in favor of the passage of the same with the following amendment:

Page 2, line 7, after the word "commissioner" insert the words "on the written consent of the boards of education of the districts affected."

J. M. WAINWRIGHT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the Senate bill introduced by Mr. Goodsell, Rec. No. 28, entitled "An act to legalize the establishment of union free school district No. 7 of the town of Ramapo, Rockland county, and the acts of the voters and the boards of education thereof, and the issuance and sale of certain bonds of said district" (No. 267), reported in favor of the passage of the same with the following amendment:

Page 3, line 15, after the period insert the words "This act shall not affect any action or proceeding now pending."

J. M. WAINWRIGHT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Moreland, from the committee on state prisons, to which was referred the bill introduced by Mr. Moreland, Int. No. 641, entitled "An act to amend the Revised Statutes relative to the parole of prisoners" (No. 721), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hanford, from the committee on public lands and forestry, to which was referred the bill introduced by Mr. F. C. Wood, Int. No. 460, entitled "An act to provide for the appointment of a commission to investigate the matter of disputed title to lands claimed by the State in counties containing portions of the Forest Preserve" (No. 490), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Santee, from the committee on public institutions, to which was referred the Senate bill introduced by Mr. Davis, Rec. No. 45, entitled "An act to change the name of 'The Thomas Asylum for Orphan and Destitute Indian Children' to 'The Thomas Indian School'" (No. 255), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to amend the Forest, Fish and Game Law in relation to pike in the counties of Oneida, Madison, Oswego and Onondaga." (No. 820, Int. No. 534.)

"An act to provide for clearing out the obstructions from the outlet of Parker's pond in the town of Cato, county of Cayuga, and for paying the cost thereof." (No. 815, Int. No. 510.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 850) entitled "An act to amend section 1774 of the Code of Civil Procedure relating to judgments in matrimonial actions" (Int. No. 312), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the code of civil procedure, relating to judgments in matrimonial actions."

After the enacting clause insert the words "Section 1. Section seventeen hundred and seventy-four of the code of civil procedure is hereby amended to read as follows:"

Page 1, line 1, strike out the word "section" and insert a section mark.

Same page, line 3, strike out the comma after the word "plaintiff."

Same page, line 8, insert a comma after the word "published."

Page 2, line 3, capitalize the words "action;" insert quotation marks before both words "action" and after the word "marriage."

Same page, line 4, insert quotation marks after the words "divorce" and "separation" and before the word "action" and capitalize the word "action."

Same page, line 13, strike out the word "annuling" and insert the word "annulling."

Page 3, line 1, strike out the word "annuling" and insert the word "annulling."

Same page, line 2, insert a comma after the word "marriage."

FRED W. HAMMOND,

*Chairman.*



Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 821) entitled "An act to amend the Forest, Fish and Game Law in relation to the close season on hares and rabbits" (Int. No. 476), reported the same with the following recommendations:

Page 2, line 2, insert a comma after the word "fifteenth."

Same page, line 3, insert a comma after the word "thirtieth."

Same page, line 4, strike out a comma after the word "Orange."

Same page, line 5, insert a comma after the word "fifteenth," and underscore the comma after the word "Broome."

Same page, line 6, insert a comma after the word "fifteenth."

Same page, line 7, underscore the comma after the word "Livingston."

Same page, line 8, insert a comma after the word "thirtieth," and underscore the comma after the word "Rockland."

Same page, line 9, insert a comma after the word "thirty-first."

Same page, line 11, insert a comma after the word "fifteenth."

Same page, line 15, insert a comma after the word "thirty-first."

Same page, line 16, insert a comma after the word "thirty-first."

Same page, line 17, underscore the comma after the word "Dutchess."

Same page, line 18, insert a comma after half word "tenth" and underscore the comma after the word "Richmond."

Same page, line 19, insert a comma after the word "thirty-first."

Same page, line 23, underscore the words "except in the county of Fulton."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 857) entitled "An act to amend the Agricultural Law relative to compensation to owners of animals destroyed because of tuberculosis" (Int. No. 279), reported the same with the following recommendations:

Page 1, line 1, after the word "of" insert the words "chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-three," and strike out the words "the agricultural law."

Same page, line 5, strike out the words "so as."

Same page, line 8, underscore the words "not to exceed forty dollars."

Page 2, line 1, after the word "upon" insert the word "a."

Same page, line 21, strike out the word "the" after the word "of."

Same page, line 23, insert the word "The" before the word "board" in brackets.

Page 3, line 6, after the word "upon" insert the word "a."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 851) entitled "An act to amend the Code of Civil Procedure in relation to the appointment and compensation of stenographers in surrogates' courts in certain counties" (Int. No. 397), reported the same with the following recommendations:

Page 1, line 2, strike out the words "as amended by chapter fifty-nine of the laws of."

Same page, line 3, strike out the words "nineteen hundred and four."

Page 2, line 10, strike out the word "past" and insert the word "last."

Same page, line 15, insert a comma after the word "fees."

Same page, line 16, insert a comma after the word "parties."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 853) entitled "An act to amend section 1269 of the Code of Civil Procedure, relative to the power of a court respecting the docket of its judgments" (Int. No. 421), reported the same with the following recommendations:

Strike out the words "section twelve hundred and sixty-nine of" in second line of title.

Page 1, line 2, insert a comma after the word "procedure."

Same page, line 5, insert a comma after the word "jurisdiction."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 848) entitled "An act to amend the Code of Criminal Procedure in relation to return by magistrate of statement to district attorney in certain counties" (Int. No. 211), reported the same with the following recommendations:

Insert a comma after the word "procedure" in second line of title.

Page 1, line 5, insert the word "has" after the word "or."

. Same page, line 6, after the word "sections" insert in brackets the figures "207," underscore the words "two hundred and seven," insert in brackets the figures "208," and underscore the words "two hundred."

Same page, line 7, underscore the words "and eight."

Page 2, line 5, strike out the semicolon after the word "him" and insert a period, and after the word "him" insert the words "in the city of New York such return shall be made, in the case of all misdemeanors, except charges of libel to the district attorney of the county wherein the offence charged was committed;" also, strike out the word "and" and capitalize the word "except."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 854) entitled "An act to amend chapter 528 of the Laws of 1902, entitled 'An act to regulate the sales of merchandise in bulk,' relative to notice, as amended by chapter

569 of the Laws of 1904" (Int. No. 441), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend chapter five hundred and twenty-eight of the laws of nineteen hundred and two, entitled 'An act to regulate the sales of merchandise in bulk,' relative to fixtures."

Page 1, line 2, after the word "two" insert the words "entitled 'An act to regulate the sales of merchandise in bulk.'"

Same page, line 4, insert a comma after the word "four" and strike out the words "further" and "so as."

Page 2, strike out lines 23, 24, 25 and 26.

Page 3, strike out lines 1, 2, 3, 4, 5 and 6.

Page 3, line 7, strike out the figure "4" and insert the figure "2."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to provide for the care, preservation and protection of the rock known as the 'Seneca Indian council rock,' in the town of Brighton, Monroe county, N. Y., and legalizing its existence in its present location." (No. 345, Int. No. 322.)

"An act to consolidate the consolidated corporation now existing under the name of 'The Mohawk and Hudson River Humane Society' with the corporations known as 'The Saratoga Society for the Prevention of Cruelty to Children,' and 'The Columbia County Society for the Prevention of Cruelty to Children,' and to define the powers and duties of the corporation as so consolidated." (No. 564, Int. No. 514.)

"An act to amend the Navigation Law in relation to life preservers." (No. 59, Int. No. 59.)

"An act to amend chapter 865 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Christian Association of the City of Schenectady,' in relation to the membership of said

association, its constitution and by-laws, reducing the number of its managers and trustees, providing for their election, and regulating the use of its premises." (No. 543, Int. No. 485.)

"An act to amend chapter 585 of the Laws of 1865, entitled 'An act to establish the Cornell University, and to appropriate to it the income of the sale of public lands granted to this State by Congress, on the 2d day of July, 1862, also to restrict the operation of chapter 511 of the Laws of 1863,' relative to the board of trustees." (No. 822, Int. No. 624.)

"An act to amend the Forest, Fish and Game Law, in relation to muskallonge." (No. 862, Int. No. 262.)

"An act providing for an addition to the site of the State Normal College at Albany, N. Y., and making an appropriation therefor." (No. 305, Int. No. 290.)

"An act to amend the Code of Criminal Procedure, in relation to the salaries of probation officers." (No. 674, Int. No. 608.)

"An act to amend the Railroad Law, relative to street railroad transfers in the counties of Kings and Queens." (No. 849, Int. No. 218.)

"An act authorizing the board of estimate and apportionment of the city of New York to allow, and authorizing and directing the comptroller of the said city to pay certain claims incurred for the maintenance of the Municipal Court of the city of New York, Twelfth district, Manhattan borough, during the year 1903." (No. 75, Int. No. 75.)

"An act to amend chapter 200 of the Laws of 1903, entitled 'An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office,' in relation to the appointment of clerks." (No. 586, Int. No. 542.)

"An act to provide for the appointment of a deputy county treasurer, for the county of Rensselaer to act in the absence or inability of the treasurer of said county." (No. 473, Int. No. 444.)

"An act to authorize the issue of bonds by the city of Rochester, to provide money with which to pay the debt of said city incurred



in paying certain interest on the water bonds of said city." (No. 462, Int. No. 433.)

The bill (No. 578) entitled "An act to amend section 103 of the Railroad Law with respect to the abandonment of part of route, temporary removal of rails, temporary discontinuance of operation and relocation of railroads and routes" (Int. No. 532), having been announced for a second reading,

On motion of Mr. Bedell, and by unanimous consent, said bill was made a special order on second and third reading for Tuesday next immediately after the reading of the journal.

The bill (No. 471) entitled "An act to amend the Military Code, relative to armories" (Int. No. 442), was read the second time.

On motion of Mr. Cotton, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 356, Assembly reprint No. 863) entitled "An act to amend the Penal Code, relative to the sale and possession of dangerous weapons" (Rec. No. 38), having been announced for a second reading,

Mr. Tompkins moved to amend as follows:

Strike out from the period in line 9 to the period in line 11 on page 3.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Said bill as amended was then read the second time.

On motion of Mr. Phillips, said bill was ordered reprinted and placed on the order of third reading and referred to the committee on revision.

The bill (No. 750) entitled "An act to amend the Code of Civil Procedure, in relation to exemptions and executions" (Int. No. 50), having been announced for a third reading,

Mr. Cahn moved that said bill be recommitted to the committee on codes, with instructions to report the same forthwith amended as follows:

Page 2, line 14, strike out the word "twelve" and insert the word "twenty."

Mr. Speaker put the question whether the House would agree to said motion and it was determined in the negative.

AYES 35

NOES 84

Those who voted in the affirmative were:

Anderson	Cooke	Hartman	Palmer	Sherry
Bird	Dodd	Hastings	Prince	Smith A E
Burns	Ellis	Kavanaugh	Reilly	Smith R H
Byrne	Francisco	Machacek	Rigby	Sullivan
Cahn	Freidel	Mathews T F	Rosenstein	Thompson J A
Caughlan	Fuller	McKeown	Salomon	Thonet
Charles W B	Hackett	O'Neill	Sheehy	Wiegand

Those who voted in the negative were:

Agnew	Coon	Hapeman	Phillips	Tenjost
Allen F E	Cotton	Hooper	Plank	Thompson G F
Allen J G	Coutant	Hubbs	Platt	Tompkins
Apgar	Cowan	Knapp	Pratt	Waddell
Bass	Cox	La Rue	Prentice	Wadsworth
Becker	Cunningham	Lewis	Reeve	Wainwright
Bedell	Dale	Malloy	Rogers	Wedemeyer
Beebe	Dowling	Matthews C R	Santee	Wemple
Beihlf	Evans	Merritt	Shuttleworth	Whitney F G
Bisland	Foster	Miller	Slocum	Whitney G H
Brady	Gardner	Monroe	Smith A P	Wilsnack
Brooks	Gates	Moreland	Smith J E	Wilson
Burnett	Grattan	Murphy	Smith J T	Wood F C
Burzynski	Gray	Newton	Standart	Wood F X
Cadin	Gurnett	Nugent	Stanley	Yale
Callahan	Hammond	Ogden	Steele	Young
Charles E E	Hanford	Patton	Stevens	

Mr. Foelker moved that said bill be recommitted to the committee on codes, with instructions to report the same forthwith amended as follows:

Page 2, lines 18 and 19, strike out the words "or the court having jurisdiction of the same without notice to the judgment debtor."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 85

NOES 40

Those who voted in the affirmative were:

Agnew	Coon	Hastings	Ogden	Steele
Allen F E	Cotton	Hooker	Patton	Stevens
Allen J G	Coutant	Hooper	Phillips	Tenjost
Apgar	Cowan	Hornidge	Plank	Thompson G F
Bass	Cox	Hubbs	Platt	Tompkins
Becker	Cunningham	Hurd	Pratt	Waddell
Bedell	Dowling	Knapp	Quinn	Wadsworth
Beebe	Evans	La Rue	Reeve	Wainwright
Beihlf	Foster	Lewis	Rogers	Wemple
Bisland	Gardner	Matthews C R	Santee	Whitney F G
Brady	Gates	Mead	Shuttleworth	Whitney G H
Brooks	Grattan	Merritt	Slocum	Wilsnack
Burnett	Gray	Miller	Smith A P	Wilson
Burzynski	Gurnett	Monroe	Smith J E	Wood F C
Cadin	Hammond	Moreland	Smith J T	Wood F X
Callahan	Hanford	Murphy	Standart	Yale
Charles E E	Hapeman	Newton	Stanley	Young

Those who voted in the negative were:

Anderson	Dale	Hartman	Nugent	Sheehy
Bird	Dodd	Kavanaugh	O'Neill	Sherry
Burns	Ellis	LaFetra	Prentice	Smith A E
Byrne	Foelker	Machacek	Prince	Smith R H
Cahn	Francisco	Malloy	Reilly	Sullivan
Caughlan	Freidel	Mathews T F	Rigby	Thompson J A
Charles W B	Fuller	McKeown	Rosenstein	Thonet
Cooke	Hackett	McManus	Salomon	Wiegand

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Palmer in the chair.

The bill (No. 706) entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads" (Int. No. 30), having been announced for a third reading.

Mr. Monroe moved that said bill be recommitted to the committee on internal affairs with instructions to report the same forthwith amended as follows:

Page 8, line 24, after the word "roads" insert as follows:

"The money highway tax herein provided for shall be in lieu of any other road tax for the year in which the same is levied upon which the same shall be assessed. The town assessors of every town in which such highways may be constructed or improved shall, on or before the first day of August in each year, apportion on the town assessment roll for that year, the valuation

of any railroad, telegraph, telephone, electric light, or pipe line property, a part of which abuts on such system of roads and the portion thereof not so abutting and the valuation not so apporportioned to that portion of such property abutting on such systems of roads shall be the value upon which the money highway tax herein provided for shall be assessed."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Hooker, from the committee on internal affairs, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The bill (No. 747) entitled "An act to repeal chapter 439 of the Laws of 1876, entitled 'An act relating to the expenses of judicial sales in the county of Kings,' as amended by chapter 167 of the Laws of 1889" (Int. No. 40), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hartman	Ogden	Smith J E
Allen F E	Cowan	Hastings	O'Neill	Smith J T
Anderson	Cox	Hooker	Palmer	Smith R H
Apgar	Cunningham	Hornidge	Parker	Stanley
Bass	Dale	Hubbs	Patton	Steele
Becker	Dodd	Hurd	Pendry	Stevens
Bedell	Donovan	Kavanaugh	Perry	Sullivan
Beebe	Dowling	Knapp	Phillips	Thompson G F
Beililf	Ellis	La Fetra	Plank	Thompson G A
Bird	Etzel	La Rue	Pratt	Thonet
Bisland	Evans	Leggett	Prentice	Tompkins
Brady	Everett	Lewis	Prince	Waddell
Brooks	Fish	Machacek	Quinn	Wade
Burnett	Fitzsimons	Maier	Reeve	Wadsworth
Burns	Foelker	Malloy	Rigby	Wainwright
Burzynski	Foster	Mathews T F	Rogers	Wedemeyer
Eynde	Francisco	Matthews C R	Rosenstein	West
Cadin	Freidel	McKeown	Salomon	Wemple
Cahn	Fuller	McManus	Santee	Whitney F G
Callahan	Gardner	Mead	Schoeneck	Wilsnack

Carrier	Gates	Merritt	Shanahan	Wilson
Caughlan	Grady	Miller	Sheldon	Wolf
Charles E E	Gray	Monroe	Sherry	Wood F C
Charles W B	Gurnett	Moreland	Shuttleworth	Wood F X
Cooke	Hammond	Murphy	Slocum	Yale
Coon	Hanford	Newton	Smith A P	Young
Cotton	Hapeman	Nugent		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

By unanimous consent, the fact that Mr. Sheldon was unavoidably absent, and would, if present, have voted in favor of Assembly bill No. 750, was ordered entered upon the journal.

Mr. A. P. Smith offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 311, entitled "An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village" (Int. No. 311), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return to the Senate of Senate bill No. 81, entitled "An act to amend chapter 155 of the Laws of 1868, entitled 'An act to incorporate the Schoharie and Schenectady Counties Farmers' Mutual Fire Insurance Association,' and the several acts amendatory thereof, relating to insurance against loss by lightning, the kind of property insured, the officers of the corporation, the method of assessing and settling losses, and borrowing money to pay the same, and report of officers" (Rec. No. 10), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.



Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Also, the following:

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return to the Senate of Senate bill No. 181, entitled "An act authorizing the city of Utica to borrow the sum of \$60,000 for the purpose of completing the changing of the channel of the Mohawk river between said city and the town of Deerfield in Oneida county, for the acquisition of lands therefor, the payment of damages incurred thereby and expenses connected therewith, and to issue bonds therefor and providing for the payment thereof" (Rec. No. 14), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 311, entitled "An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village" (Int. No. 311), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication was received from Hon. James H. Wilson, mayor of the city of Cohoes, returning Assembly bill No. 3, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (Int. No. 3), with a mes-

sage that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. Jas. H. Wilson, mayor of the city of Cohoes, returning Assembly bill No. 4, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to salary of clerk of said city" (Int. No. 4), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to re-appropriate money for the acquisition of additional land for the Creedmore rifle range, as provided by chapter 633 of the Laws of 1903, and making the same applicable for improvements to said rifle range." (No. 383, Int. No. 344.)

"An act to amend chapter 188 of the Laws of 1862, entitled 'An act to incorporate the New York State Convention of Universalists,' relative to the transfers of real estate." (No. 607, Int. No. 209.)

Ordered, That the Clerk deliver said bills to the Governor.

"An act to amend the Greater New York charter, relative to the fund for street and park openings." (No. 18, Int. No. 18.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

On motion of Mr. Rogers, the House adjourned.

## THURSDAY, MARCH 2, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the chair.

Prayer by Rev. A. W. Decker, Middleport.

On motion of Mr. Burnett, the reading of the journal of yesterday was dispensed with and the same was approved.

Mr. Stanley was excused until Monday next.

Mr. Speaker presented the annual report of the J. Hood Wright Memorial Hospital, which was laid upon the table and ordered printed.

(See Document.)

The Senate sent for concurrence the following entitled bills:

“An act to amend section 70-e of the Agricultural Law, entitled ‘An act in relation to agriculture constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws’” (No. 389, Rec. No. 96), which was read the first time and referred to the committee on agriculture.

“An act to amend sections 4, 53, 81 and 114 of the Agricultural Law, entitled ‘An act in relation to agriculture constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws’” (No. 390, Rec. No. 97), which was read the first time and referred to the committee on agriculture.

“An act to amend section 37 of the Agricultural Law, entitled ‘An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws,’ as amended by chapter 656 of the Laws of 1901, relative to violations and penalties” (No. 391, Rec. No. 98), which was read the first time and referred to the committee on agriculture.

“An act to amend the Banking Law, relative to reports of banks and trust companies” (No. 130, Rec. No. 99), which was read the first time and referred to the committee on banks.

“Concurrent resolution of the Senate and Assembly proposing an amendment to section 4 of article 7 of the Constitution in

relation to the time within which debts of the State must be paid and striking from said section certain limitations" (No. 293, Rec. No. 100), which was read the first time and referred to the committee on the judiciary.

"An act to amend chapter 193 of the Laws of 1846, entitled 'An act to incorporate the University of Buffalo'" (No. 374, Rec. No. 101), which was read the first time and referred to the committee on the judiciary.

"An act to amend the Code of Civil Procedure, in relation to court officers and attendants in the county court and surrogate's court, in the county of Erie" (No. 381, Rec. No. 102), which was read the first time and referred to the committee on codes.

"An act to amend chapter 347 of the Laws of 1890, entitled 'An act to provide for the payment of the cost and expense of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments,' relating to the collection of assessments and installments thereof" (No. 354, Rec. No. 103), which was read the first time and referred to the committee on affairs of cities.

"An act to assess the cost and expense of constructing a bridge over the railroad tracks on Main street east, in the city of Rochester, on the property benefited thereby" (No. 394, Rec. No. 104), which was read the first time and referred to the committee on affairs of cities.

"An act to amend chapter 132 of the Laws of 1863, entitled 'An act to incorporate the Davenport Institution for Female Orphan Children' as amended by chapter 432 of the Laws of 1895" (No. 397, Rec. No. 105), which was read the first time and referred to the committee on charitable and religious societies.

Mr. F. E. Allen introduced a bill entitled "An act authorizing the village of Lestershire, Broome county, to levy a frontage tax for water purposes" (Int. No. 864), which was read the first time and referred to the committee on affairs of villages.

Mr. J. G. Allen introduced a bill entitled "An act amend the Highway Law, in relation to the appointment of overseers in

towns under the money system, and the removal of obstructions caused by snow in such towns" (Int. No. 865), which was read the first time and referred to the committee on internal affairs.

Mr. Apgar introduced a bill entitled "An act to amend the Forest, Fish and Game Law, relative to the close season for deer in certain counties" (Int. No. 866), which was read the first time and referred to the committee on fisheries and game.

Mr. Hubbs introduced a bill entitled "An act to establish a normal and training school at Brentwood in the town of Islip in the county of Suffolk, and making an appropriation therefor" (Int. No. 867), which was read the first time and referred to the committee on ways and means.

Mr. Machacek introduced a bill entitled "An act to amend the Penal Code relative to fraudulent insolvencies by individuals" (Int. No. 868), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to confer jurisdiction upon the Court of Claims, to hear, audit and determine the alleged claim of Michael O'Keefe against the State of New York, for damages alleged to have been sustained while in the employ of the State" (Int. No. 869), which was read the first time and referred to the committee on claims.

Mr. Sammon introduced a bill entitled "An act to prevent street railway companies, in cities of over 1,000,000 inhabitants from operating open cars in winter" (Int. No. 870), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act compelling street railway companies to furnish seats to passengers" (Int. No. 871), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act directing that all articles of canned food shall bear a stamp of date when same was preserved" (Int. No. 872), which was read the first time and referred to the committee on public health.

Mr. Stanley introduced a bill entitled "An act for the relief of Charles Siedler" (Int. No. 873), which was read the first time and referred to the committee on affairs of cities.



Also, a bill entitled "An act to enable the Montauk tribe of Indians in the name of their chief or head to maintain actions in the courts of this State to establish and protect their rights in and to real and personal property" (Int. No. 874), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend sections 150, 156, 157, 161, 162, 163, 169 and 170 of the Railroad Law, in relation to the powers, duties obligations and liabilities of the Railroad Commissioners and to increase the number of the same" (Int. No. 875), which was read the first time and referred to the committee on railroads.

Mr. Stevens introduced a bill entitled "An act to amend the Civil Service Law, in relation to veterans" (Int. No. 876), which was read the first time and referred to the committee on the judiciary.

Mr. Wilsnack introduced a bill entitled "An act to amend the Greater New York charter, in relation to payments to exempt or volunteer firemen's associations in the borough of Queens" (Int. No. 877), which was read the first time and referred to the committee on affairs of cities.

Mr. Standart introduced a bill entitled "An act to amend chapter 353 of the Laws of 1892, entitled 'An act to further amend chapter 345 of the Laws of 1888,' in relation to the grade crossings in the city of Buffalo, and to give further powers to the grade crossing commission of said city" (Int. No. 878), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to amend chapter 353 of the Laws of 1892, entitled 'An act to further amend chapter 345 of the Laws of 1888,' in relation to the grade crossings in the city of Buffalo, and to give further powers to the grade crossing commission of said city" (Int. No. 879), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to amend chapter 353 of the Laws of 1892, entitled 'An act to further amend chapter 345 of the Laws

of 1888,' in relation to the grade crossings in the city of Buffalo, and to give further powers to the grade crossing commission of said city" (Int. No. 880), which was read the first time and referred to the committee on railroads.

Mr. Scovill introduced a bill entitled "An act to **amend** the charter of the city of Hudson, generally" (Int. No. 881), which was read the first time and referred to the committee on affairs of cities.

Mr. Wade introduced a bill entitled "An act to amend chapter 84 of the Laws of 1886, entitled 'An act to incorporate the city of Jamestown,' in relation to the police justice" (Int. No. 882), which was read the first time.

On motion of Mr. Wade, and by unanimous consent, said bill was read the second time and ordered to a third reading and referred to the committee on affairs of cities.

Mr. Newton introduced a bill entitled "An act to amend the Village Law, relative to the adoption of the town assessment roll in certain villages" (Int. No. 883), which was read the first time and referred to the committee on affairs of villages.

Mr. Moreland introduced a bill entitled "An act to regulate the awarding of and the assignment and subletting of contracts for public work" (Int. No. 884), which was read the first time and referred to the committee on general laws.

Mr. Hammond introduced a bill entitled "An act in relation to certain assessments for local improvements in the city of Syracuse" (Int. No. 885), which was read the first time and referred to the committee on affairs of cities.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Patton, Int. No. 679, entitled "An act to provide for the repair and improvement of existing mechanical and other structures and works on and connected with the canals of this State" (No. 767), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Moreland, Int. No. 642, entitled "An act to amend section 687-a of the Penal Code relative to sentencing prisoners" (No. 722), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Thompson, Int. No. 701, entitled "An act to amend section 3347 of the Code of Civil Procedure, by adding thereto a new subdivision, to be known as subdivision 15 in relation to the meaning of the term justice of the peace as used in sections 948, 949, 950 and 951 of said code" (No. 788), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was re-committed the bill introduced by Mr. Burnett, Int. No. 258, entitled "An act to amend the Code of Civil Procedure, in relation to the fees of constables and deputy sheriffs in Ontario county" (No. 539), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Hooker, Int. No. 450, entitled "An act to amend the Code of Criminal Procedure, relative to the persons who may be present during the sessions of a grand jury" (No. 480), reported in favor of the passage of the same with the following amendment:

Page 1, lines 5 and 6, strike out the words "except in the counties of New York, Kings and Queens" and insert the words "in counties having no assistant district attorney."

JESSE S. PHILLIPS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended, and placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. G. F. Thompson, Int. No. 700, entitled "An act to amend the Code of Civil Procedure in relation to jurisdiction of justices of the peace" (No. 787), reported in favor of the passage of the same with the following amendments:

Page 1, line 4, after the word "rendered" insert the words "for money only."

Same page, line 6, strike out the word "inferior."

Same page, lines 6 and 7, strike out the words "not of record."

Same page, line 7, after the word "foreign" insert the words "where the sum claimed does not exceed two hundred dollars."

JESSE S. PHILLIPS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the Senate bill introduced by Mr. Marks, Rec. No. 51, entitled "An act to amend section 1671 of the Code of Civil Procedure, relating to the filing and cancellation of notices of pendency of action" (No. 357), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Merritt, Int. No. 617, entitled "An act to amend the Real Property Law in relation to the authentication of conveyances executed outside of the State of New York and within the United States" (No. 683), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Merritt, Int. No. 605, entitled "An act to amend section 85 of chapter 568 of the Laws of 1890, entitled 'An act in relation to highways, constituting chapter 19 of the general laws'" (No. 671), reported in favor of the passage

of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Stevens, Int. No. 698, entitled "An act to amend chapter 371 of the Laws of 1896, entitled 'An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this State,' in relation to auction sales" (No. 785), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. F. C. Wood, Int. No. 471, entitled "An act to amend the Domestic Relations Law, in relation to the liability of married women for necessities" (No. 501), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Parker, Int. No. 677, entitled "An act to amend the Membership Corporations Law, relating to taxation of lot owners by cemetery corporations" (No. 765), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Wainwright, Int. No. 95, entitled "An act in relation to the use of the flag of the United States of America" (No. 95), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Pendry, Int. No. 612, entitled "An act amending section 91 of the general Railroad Law, in relation to recording consents of property owners and local authorities, as amended by chapter 537 of the Laws of 1903"



(No. 678), reported in favor of the passage of the same with the following amendments:

Page 2, line 3, after the word "unless" insert the words "They shall describe the property affected by metes and bounds and unless."

Same page, line 6, after the word "state" insert a comma, and the words "and such consents, for the purposes of record, shall be deemed conveyances."

Same page, line 6, strike out portion of line 6 beginning with the word "such," and strike out lines 7, 8, 9, 10, 11, 12 and the word "on" in line 13.

Same page, line 14, strike out the word "five" and insert in place thereof the word "three."

E. A. MERRITT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Grattan, Int. No. 797, entitled "An act to amend chapter 555 of the Laws of 1898, entitled 'An act to establish a State Board of Embalmers, and to regulate the practice of embalming,' relating to licensing to practice, and practicing without license" (No. 919), reported in favor of the passage of the same with the following amendments:

Page 2, line 1, strike out letters "th" in word "nineteenth," and insert a bracket before the word "at."

Same page, line 2, insert a bracket after the word "act."

Same page, line 5, insert a bracket before and after the word "January."

Page 3, line 7, insert a bracket before the word "at."

Same page, line 9, insert a bracket after "tion."

Same page, line 20, insert a bracket before the word "one;" also insert a bracket after the second word "of."

Page 4, line 15, after the word "himself" insert the words "or herself."

E. A. MERRITT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Agnew, Int. No. 593, entitled "An act to amend chapter 429 of the Laws of 1884, entitled 'An act to incorporate the New York Cancer Hospital,' the name of which hospital was changed by chapter 43 of the Laws of 1899, to that of General Memorial Hospital for the Treatment of Cancer and Allied Diseases, in relation to quorum of managers" (No. 660), reported in favor of the passage of the same with the following amendments:

Page 1, line 5, strike out the word "one-half" underscored, and insert the words "a majority" underscored; also, enclose the words "in number" in brackets.

E. A. MERRITT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Merritt, from the committee on general laws, to which was referred the bill introduced by Mr. Prentice, Int. No. 695, entitled "An act relating to corporations engaged in examining and insuring or guaranteeing titles to real estate" (No. 782), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 4, line 1, after the word "disbursements" insert the words "including the expense of a reference if ordered by the court."

Same page, line 5, insert a bracket before the word "in."

Same page, line 6, insert a bracket after the word "ordered."

E. A. MERRITT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Merritt, from the committee on general laws, to which was referred the Senate bill introduced by Mr. Hill (Rec. No. 64), entitled "An act to amend the Lien Law, in relation to contents of notice of lien" (No. 377), reported in favor of the passage of the same with the following amendments:

Page 2, line 1, after the word "corporation" where it first occurs, insert the following: "the names of partners and principal place of business," and underscore same.

E. A. MERRITT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Wade, from the committee on taxation and retrenchment, to which was referred the bill introduced by Mr. O'Neill, Int. No. 661, entitled "An act authorizing and directing the Comptroller to readjust and resettle the accounts of certain trust companies for taxes paid under section 187-a of the Tax Law for the years ending June 30, 1901-2" (No. 742), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wade, from the committee on taxation and retrenchment, to which was referred the bill introduced by Mr. Bedell, Int. No. 505, entitled "An act to amend the Tax Law, in relation to the expense of publishing notices to redeem from county tax sales" (No. 554), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Wainwright, Int. No. 592, entitled "An act to amend the Village Law, in relation to village elections" (No. 659), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Wemple, Int. No. 707, entitled "An act to terminate the existence of the fire department of the second school district of the town of Glenville, Schenectady county, N. Y., and to transfer the property thereof to the village of Scotia, N. Y., and to afford fire protection for the said school district by the fire department of said village of Scotia, N. Y., and to compensate said village for the same" (No. 793), reported in favor of the passage of the same without amendment,

which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. C. R. Matthews, Int. No. 759, entitled "An act to amend chapter 308 of the Laws of 1904, entitled 'An act relating to the issue of bonds for street improvements in the village of Saranac Lake, county of Franklin,' relative to the issue of bonds for the extension and improvement of the sewer and water systems" (No. 874), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. G. H. Whitney, Int. No. 659, entitled "An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to the removal of garbage and refuse matter, and raising money therefor" (No. 740), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Plank, Int. No. 658, entitled "An act to amend the Village Law, in relation to the payment of expenses of incorporation" (No. 739), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Pratt, Int. No. 57, entitled "An act to validate and confirm the reincorporation of certain villages under the Village Law" (No. 57), reported in favor of the passage of the same with the following amendments:

Section 2 shall read as follows:

"§ 2. This act shall not affect any action or proceeding now pending in any court."

The present section 2 shall be amended so as to be section 3.

A. B. STEELE,

*Chairman.*

relating to licensing to practice, and practicing without license" (Int. No. 797), which was read the first time and referred to the committee on general laws.

By unanimous consent,

Mr. Lewis introduced a bill entitled "An act to amend the Insurance Law in relation to Lloyds associations" (Int. No. 798), which was read the first time and referred to the committee on insurance.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Dowling, Int. No. 449, entitled "An act to provide for the payment of the claim of Frank J. Gallagher for extra labor performed and material furnished in building bridge in Highland park, borough of Queens" (No. 479), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 1, line 3, of the title, after the word "Queen's" strike out the period and insert a comma, and after the comma insert the words "city of New York."

Same page, line 1, strike out the word "comptroller" and insert the words "board of estimate and apportionment."

Same page, line 2, after the word "in" strike out the word "his" and insert the word "its."

Page 2, line 4, after the word "said" strike out the words "comptroller of the city of New York" and insert the word "board."

Same page, line 8, after the word "said" strike out the words "comptroller of the city of New York" and insert the word "board."

Same page, line 13, after the word "said" strike out the word "comptroller" and insert the word "board."

Same page, line 14, after the word "file" strike out the words "the same."

Same page, line 15, after the first "and" strike out the word "he" and insert the words "said comptroller."

Same page, line 15, after the word "thereupon" insert the word "pay."

Same page, line 16, after the word "by" strike out the word "him" and insert the words "said board."

Same page, line 24, after the word "said" strike out the words



"comptroller of the city of New York" and insert the words "board of estimate and apportionment."

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Lewis, from the committee on insurance, to which was referred the bill introduced by Mr. Lewis, Int. No. 634, entitled "An act to amend article 1, section 52, of chapter 690 of the Laws of 1892, as amended by chapter 725 of the Laws of 1893, as amended by chapter 722 of the Laws of 1901, constituting chapter 38 of the general laws, and known as the Insurance Law" (No. 714), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Lewis, from the committee on insurance, to which was referred the bill introduced by Mr. Lewis, Int. No. 635, entitled "An act to amend the Insurance Law in relation to life and casualty insurance corporations upon the cooperative or assessment plan" (No. 715), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to consolidate the consolidated corporation now existing under the name of 'The Mohawk and Hudson River Humane Society' with the corporations known as 'The Saratoga Society for the Prevention of Cruelty to Children,' and 'The Columbia County Society for the Prevention of Cruelty to Children,' and to define the powers and duties of the corporation as so consolidated." (No. 564, Int. No. 514.)

"An act to provide for the care, preservation and protection of the rock known as the 'Seneca Indian council rock,' in the town of Brighton, Monroe county, New York, and legalizing its existence in its present location." (No. 345, Int. No. 322.)

"An act providing for an addition to the site of the State Normal College at Albany, N. Y., and making an appropriation therefor." (No. 305, Int. No. 290.)

"An act to amend chapter 865 of the Laws of 1871, entitled 'An act to incorporate the Young Men's Christian Association of the city of Schenectady,' in relation to the membership of said association, its constitution and by-laws, reducing the number of its managers and trustees, providing for their election, and regulating the use of its premises." (No. 543, Int. No. 485.)

"An act to amend the Navigation Law in relation to life preservers." (No. 59, Int. No. 59.)

"An act to amend the Code of Criminal Procedure, in relation to the salaries of probation officers." (No. 674, Int. No. 608.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 370) entitled "An act to amend the Agricultural Law, relative to foods adulterated with methyl or wood alcohol" (Int. No. 370), reported the same with the following recommendations:

Page 2, line 21, after the word "not" insert the word "or".

Page 3, line 11, after the word "produced" take out the semicolon and insert a colon, and capitalize the words "provided" and "that".

Same page, line 23, take out the semicolon and insert a colon.

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 96) entitled "An act to amend section 640 of the Penal Code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this State" (Int. No. 96), reported the same with the following recommendations:

Amend title to read as follows:

"An act to amend the penal code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this State."

Page 1, line 5, insert a comma after the word "person".

Page 2, line 3, after the word "shall" insert in brackets the word "be" and underscore the words "have been" on same line.

Same page, line 6, underscore the comma after the word "shall".

Same page, line 7, underscore the comma after the word "five".

Same page, line 11, underscore the words "or article or thing for carrying or".

Same page, line 12, underscore the words "transporting merchandise".

Same page, line 14, insert commas after the words "painted" and "attached".

Same page, line 16, insert commas after the words "mark" and "article".

Same page, line 17, insert a comma after the word "defile".

Page 3, underscore lines 1, 2 and 3.

Same page, line 16, insert a period after the word "America".

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 244) entitled "An act to amend the Religious Corporations Law, relative to the removal of remains from cemeteries and church grounds" (Int. No. 244), reported the same with the following recommendations:

Page 2, line 8, at end of line after the word "a" insert the words "written consent thereto, or if three-fourths of the members of such."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 369) entitled "An act to amend the Public Health Law, relative to the use of methyl or wood alcohol for adulterative purposes" (Int. No. 369), reported the same with the following recommendations:

Page 1, line 5, after the word "paragraph" insert the words "to be known as paragraph four, and."

Same page, line 9, after the word " paragraph " insert the words " to be known as paragraph eight, and."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 485) entitled "An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution for the Blind, and to provide for its management,' relative to the bond of the treasurer of the New York State School for the Blind " (Int. No. 455), reported the same with the following recommendations:

In line 3 of title capitalize the words " state," " institution " and " blind."

Page 1, line 3, capitalize the words " state " and " institution."

Same page, line 4, capitalize the word " blind."

Same page, line 6, after the word " all " insert the word " the."

Page 2, line 5, insert a comma after the word " dollars."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Forest, Fish and Game Law, in relation to the close season for trout in Tompkins county." (No. 720, Int. No. 640.)

"An act to amend chapter 785 of the Laws of 1895, entitled 'An act to revise, amend and consolidate the several acts relating to the village of Bath in the county of Steuben, and to repeal certain acts and parts of acts,' relating to funds." (No. 745, Int. No. 519.)

"An act to transfer to the city of New York the normal and training school in the borough of Queens, city of New York,

formerly in the village of Jamaica and county of Queens.” (No. 528, Int. No. 487.)

“An act to amend the Code of Civil Procedure, relative to serving summons upon telegraph companies ” (No. 744, Int. No. 422.)

“An act to repeal chapter 439 of the Laws of 1876, entitled ‘An act relating to the expenses of judicial sales in the county of Kings,’ as amended by chapter 167 of the Laws of 1889.” (No. 747, Int. No. 40.)

“An act to amend chapter 264 of the Laws of 1838, entitled ‘An act to incorporate the village of Kinderhook, in the county of Columbia.’ ” (No. 746, Int. No. 522.)

“An act to amend the Penal Code, prohibiting the corrupt influencing of agents, employees or servants.” (No. 749, Int. No. 388.)

“An act to amend the Code of Civil Procedure, in relation to pending actions or proceedings.” (No. 748, Int. No. 365.)

“An act regulating the sanitary condition of bathing establishments, and amending section 212 of chapter 25 of the General Public Health Laws, as amended by the Laws of 1893; being re-numbered by the Laws of 1900, chapter 667; number of section being originally 202.” (No. 212, Int. No. 212.)

The bill (No. 600) entitled “An act to amend section 600 of the Penal Code ” (Int. No. 549), was read the second time.

On motion of Mr. Phillips, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 578) entitled “An act to amend section 103 of the Railroad Law with respect to the abandonment of part of route, temporary removal of rails, temporary discontinuance of operation and relocation of railroads and routes ” (Int. No. 532), having been announced for a second reading.

On motion of Mr. Rogers, and by unanimous consent, said bill was ordered placed on the second reading calendar for Wednesday next.

The bill (No. 493) entitled “An act to amend the Public Health Law, in relation to the prosecution of violations of the law, in



regard to the practice of medicine" (Int. No. 463), was read the second time.

On motion of Mr. Maier, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 473) entitled "An act to provide for the appointment of a deputy county treasurer, for the county of Rensselaer to act in the absence or inability of the treasurer of said county" (Int. No. 444), was read the second time.

On motion of Mr. Gardner, said bill was placed on the order of third reading.

On motion of Mr. Gardner, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	Hornidge	Palmer	Smith J T
Allen F E	Donovan	Hubbs	Parker	Smith R H
Anderson	Dowling	Hurd	Patton	Standart
Apgar	Ellis	Kavanaugh	Pendry	Steele
Bass	Etzel	Knapp	Perry	Stevens
Bedell	Everett	La Fetra	Phillips	Sullivan
Beebe	Fish	La Rue	Plank	Thompson G F
Bird	Fitzsimons	Leggett	Pratt	Thompson J A
Bisland	Foster	Lewis	Prentice	Tompkins
Brooks	Francisco	Machacek	Prince	Waddell
Burnett	Fuller	Maier	Reeve	Wadsworth
Burns	Gardner	Malloy	Reilly	Wainwright
Byrne	Gates	Matthews C R	Rigby	Wedemeyer
Cahn	Grady	McKeown	Rogers	Wemple
Callahan	Grattan	McManus	Salomon	Whitney F G
Caughlan	Gurnett	Mead	Sammon	Whitney G H
Charles W B	Hackett	Merritt	Schoeneck	Wiegand
Cooke	Hammond	Miller	Scovill	Wilsnack
Coon	Hanford	Monroe	Shanahan	Wilson
Coutant	Hapeman	Murphy	Sheldon	Wolf
Cowan	Hartman	Newton	Sherry	Wood F C
Cox	Hastings	Nugent	Shuttleworth	Wood F X
Cunningham	Hooker	Ogden	Smith A P	Yale
Dale	Hooper	O'Neill	Smith A E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 520) entitled "An act to legalize, ratify and confirm certain contracts executed by a board of supervisors with the authorities of the county of Kings for the reception into the penitentiary of said county of persons sentenced to imprisonment in a county jail or penitentiary, and to authorize the payment of claims arising thereunder" (Int. No. 478), was read the second time.

On motion of Mr. Hornidge, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 587) entitled "An act to amend chapter 260 of the Laws of 1903, entitled 'An act to make the office of sheriff of Livingston county a salaried one in part, and to regulate the management thereof,' in relation to compensation of under-sheriff, jailer and attendants and deputy sheriffs" (Int. No. 543), was read the second time.

On motion of Mr. Wadsworth, said bill was placed on the order of third reading.

On motion of Mr. Wadsworth, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 00

Those who voted in the affirmative were:

Agnew	Donovan	Kavanaugh	Perry	Stanley
Allen F E	Ellis	Knapp	Phillips	Steele
Allen J G	Etzel	La Rue	Platt	Sullivan
Apgar	Evans	Leggett	Pratt	Tenjost
Bass	Everett	Lewis	Prince	Thompson G F
Bedell	Fish	Machacek	Quinn	Thonet
Beebe	Fitzsimons	Malloy	Reilly	Tompkins

Bird	Foelker	Mathews T F	Rigby	Waddell
Bisland	Foster	Matthews C R	Rosenstein	Wagner
Brooks	Freidel	McKeown	Salomon	Wadsworth
Burnett	Fuller	McManus	Santee	Wedemeyer
Burzynski	Gates	Merritt	Schoeneck	West
Byrne	Grattan	Miller	Scovill	Wemple
Cahn	Gray	Monroe	Sheehy	Whitney F G
Callahan	Gurnett	Moreland	Sheldon	Wiegand
Caughlan	Hammond	Newton	Sherry	Wilsnack
Charles W B	Hanford	Nugent	Slocum	Wilson
Cooke	Hartman	Ogden	Smith A P	Wolf
Cotton	Hooker	Palmer	Smith A E	Wood F C
Cowan	Hooper	Parker	Smith J T	Wood F X
Cox	Hornidge	Patton	Smith R H	Yale
Cunningham	Hubbs	Perham	Standart	Young
Dale	Hurd			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 586) entitled "An act to amend chapter 200 of the Laws of 1903, entitled 'An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office,' in relation to the appointment of clerks" (Int. No. 542), was read the second time.

On motion of Mr. Wadsworth, said bill was placed on the order of third reading.

On motion of Mr. Wadsworth, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 116

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hovanaugh	Perry	Smith R H
Allen F E	Dodd	Knapp	Phillips	Standart
Allen J G	Dowling	La Rue	Plank	Stanley
Anderson	Ellis	Lewis	Platt	Steele
Bass	Etzel	Machacek	Prentice	Stevens
Becker	Everett	Maier	Prince	Tenjust
Bedell	Fish	Malloy	Quinn	Thompson G F
Beebe	Fitzsimons	Mathews T A	Reeve	Thonet
Bird	Foster	Matthews C R	Reilly	Tompkins

Bisland	Francisco	McKeown	Rigby	Wade
Brooks	Fuller	McManus	Rogers	Wagner
Burnett	Gates	Merritt	Rosenstein	Wadsworth
Burns	Grady	Miller	Sammon	Wedemeyer
Burzynski	Gray	Monroe	Santee	West
Cadin	Gurnett	Moreland	Schoeneck	Whitney F G
Callahan	Hackett	Newton	Scovill	Whitney G H
Carrier	Hanford	Nugent	Shanahan	Wilsnack
Caughlan	Hapeman	Ogden	Sheldon	Wilson
Charles W B	Hastings	O'Neill	Sherry	Wolf
Cooke	Hooker	Palmer	Slocum	Wood F C
Coon	Hooper	Parker	Smith A P	Wood F X
Coutant	Hornidge	Patton	Smith J E	Yale
Cowan	Hurd	Pendry	Smith J T	Young
Cox				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 275) entitled "An act to amend chapter 266 of the Laws of 1903, entitled 'An act to provide for the holding of town meetings and elections in counties of the State having a certain population,' relative to the conduct of such town meetings and elections, the terms of town officers and the compensation of the clerk of the boards of supervisors in such counties" (Int. No. 275), was read the second time.

On motion of Mr. Steele, said bill was placed on the order of third reading.

On motion of Mr. Steele, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hooker	O'Neill	Smith J T
Allen F E	Cowan	Hooper	Parker	Smith R H
Allen J G	Cox	Hornidge	Patton	Standart
Apgar	Cunningham	Hubbs	Perham	Steele
Bass	Dale	Kavanaugh	Perry	Stevens
Becker	Dodd	Knapp	Phillips	Sullivan
Bedell	Donovan	La Fetra	Plank	Thompson D F

Beebe	Dowling	La Rue	Pratt	Thompson J A
Beihl	Ellis	Leggett	Prentice	Thonet
Bird	Etzel	Lewis	Prince	Waddell
Bisland	Evans	Machacek	Reeve	Wade
Brooks	Everett	Maier	Reilly	Wagner
Burnett	Fish	Malloy	Rigby	Wainwright
Burns	Fitzsimons	Mathews T F	Rogers	Wedemeyer
Burzynski	Foster	Matthews C R	Salomon	West
Byrne	Freidel	McKeown	Sammon	Wemple
Cadin	Fuller	McManus	Santee	Whitney D H
Cahn	Gardner	Mead	Schoeneck	Wiegand
Callahan	Gates	Merritt	Scovill	Wilsnack
Carrier	Grattan	Monroe	Sheehy	Wilson
Caughlan	Gray	Moreland	Sheldon	Wolf
Charles E E	Hackett	Murphy	Shuttleworth	Wood F C
Cooke	Hammond	Newton	Smith A P	Yale
Coon	Hapeman	Ogden	Smith A E	Young
Cotton	Hastings			

## In the negative:

Palmer

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 462) entitled "An act to authorize the issue and sale of bonds by the city of Rochester, to provide money with which to pay the debt of said city incurred in paying certain interest on the water bonds of said city" (Int. No. 433), was read the second time.

On motion of Mr. Callahan, said bill was placed on the order of third reading.

On motion of Mr. Callahan, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 117

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hooper	Palmer	Smith J E
Allen F E	Dodd	Hornidge	Patton	Smith J T
Allen J G	Donovan	Hurd	Pendry	Smith R H
Anderson	Dowling	Kavanaugh	Perham	Stanley



Apgar	Etzel	Knapp	Phillips	Steele
Bass	Evans	La Fetra	Plank	Stevens
Becker	Everett	La Rue	Platt	Tenjost
Beebe	Fish	Leggett	Pratt	Thompson G F
Beihliff	Fitzsimons	Lewis	Prince	Thompson J A
Bird	Foelker	Machacek	Quinn	Tompkins
Bisland	Foster	Maier	Reeve	Waddell
Brooks	Francisco	Malloy	Reilly	Wade
Burns	Freidel	Mathews T F	Rogers	Wadsworth
Burzynski	Fuller	Matthews C R	Rosenstein	Wainwright
Cadin	Gardner	McKeown	Sammon	Wedemeyer
Cahn	Gates	McManus	Santee	Wemple
Carrier	Grady	Mead	Schoeneck	Whitney F G
Caughlan	Grattan	Merritt	Scovill	Wiegand
Charles W B	Gray	Miller	Sheehy	Wilsnack
Cooke	Hackett	Monroe	Sheldon	Wolf
Coon	Hammond	Murphy	Shuttleworth	Wood F C
Coutant	Hapeman	Newton	Slocum	Yale
Cowan	Hartman	Ogden	Smith A P	Young
Cox	Hooker			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 361) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly" (Int. No. 361), was read the second time.

On motion of Mr. R. H. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 75) entitled "An act authorizing the board of estimate and apportionment of the city of New York to allow, and authorizing and directing the comptroller of the said city to pay certain claims incurred for the maintenance of the municipal court of the city of New York, Twelfth district, Manhattan borough, during the year 1903" (Int. No. 75), was read the second time.

On motion of Mr. Young, said bill was placed on the order of third reading.

On motion of Mr. Young, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hornidge	Perry	Smith R H
Allen F E	Cunningham	Hurd	Plank	Standart
Anderson	Dale	Knapp	Platt	Stanley
Apgar	Donovan	La Fetra	Prentice	Steele
Bass	Dowling	La Rue	Prince	Stevens
Bedell	Ellis	Lewis	Quinn	Sullivan
Beebe	Evans	Machacek	Reilly	Thompson G F
Beihilf	Everett	Malloy	Rogers	Thompson J A
Bird	Fish	Mathews T F	Rosenstein	Thonet
Bisland	Fitzsimons	Matthews C R	Salomon	Waddiell
Brady	Foster	McKeown	Sammon	Wade
Brooks	Francisco	McManus	Santee	Wadsworth
Burnett	Freidel	Mead	Schoeneck	Wainwright
Burns	Foelker	Merritt	Scovill	Wedemeyer
Byrne	Gates	Miller	Shanahan	West
Cadin	Grady	Monroe	Sheehy	Wemple
Cahn	Grattan	Murphy	Sheldon	Whitney G H
Callahan	Gurnett	Newton	Sherry	Wiegand
Carrier	Hammond	Nugent	Shuttleworth	Wilsnack
Caughlan	Hanford	O'Neill	Slocum	Wolf
Charles W B	Hapeman	Palmer	Smith A P	Wood F C
Cooke	Hartman	Parker	Smith A E	Wood F X
Coon	Hooker	Patton	Smith J E	Yale
Coutant	Hooper	Pendry	Smith J T	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 454) entitled "An act to empower the board of assessors of the city of New York to estimate and allow damages sustained by owners of real property fronting upon streets and avenues approaching the bridge over the Gowanus canal at Hamilton avenue, borough of Brooklyn, in the city of New York" (Int. No. 425), was read the second time.

On motion of Mr. McKeown, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 647) entitled "An act to amend section 188 of chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira' as amended by chapter 43 of the Laws of 1901, and chapter 367 of the Laws of 1904 in relation to the officers of the police force and their duties" (Int. No. 580), was read the second time.

On motion of Mr. Moreland, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 567) entitled "An act to amend chapter 347 of the Laws of 1890, entitled 'An act to provide for the payment of the cost and expense of the construction of a trunk sewer on the east side of the Genesee river in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessment,' relating to the collection of assessments and installments thereof" (Int. No. 518), was read the second time.

On motion of Mr. Ogden, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 395) entitled "An act to amend sections 2, 4 and 5 of chapter 35 of the Laws of 1902, entitled 'An act creating a city court in and for the city of Poughkeepsie, N. Y.'" (Int. No. 395), was read the second time.

On motion of Mr. Gray, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 624) entitled "An act to assess on the property benefited the cost and expense of constructing a bridge over the railroad tracks on Bronson avenue in the city of Rochester" (Int. No. 561), was read the second time.

On motion of Mr. Callahan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 419) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments and sales to the city of New York for assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly" (Int. No. 387), was read the second time.

On motion of Mr. R. H. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 628) entitled "An act to provide for public improvements in the city of Troy upon and in relation to Prospect Park and the water works of said city" (Int. No. 572), having been announced for a second reading,

On motion of Mr. Burnett, said bill was laid aside, retaining its place on the order of second reading.

The bill (No. 689) entitled "An act to amend the Banking Law, relative to securities in which deposits in savings banks may be invested" (Int. No. 623), having been announced for a second reading,

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the second reading calendar for Tuesday next.

The bill (No. 19) entitled "An act to amend the Banking Law, in relation to the reports of trust companies" (Int. No. 19), was read the second time.

On motion of Mr. O'Neill, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 266) entitled "An act to amend chapter 402 of the Laws of 1903, entitled 'An act to repeal title 8 of chapter 182 of the Laws of 1892, entitled "An act to incorporate the city of Mount Vernon, and to insert therein a new title relating to the police department of said city"'" (Rec. No. 57), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading.

The Senate bill (No. 328) entitled "An act amending section 162 of the Town Law relating to auditing town accounts" (Rec. No. 35), was read the second time.

On motion of Mr. Thompson, said bill was placed on the order of third reading.

The Senate bill (No. 264) entitled "An act to authorize the city of Mount Vernon to borrow money by the issue of bonds, for the purpose of purchasing sites and erecting buildings for the use of the fire and police departments and to provide a sinking fund to pay principal and interest of said bonds" (Rec. No. 76), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading.

The Senate bill (No. 265) entitled "An act to authorize the common council of the city of Mount Vernon to use moneys now in the deficiency fund of said city to pay deficiencies in the sum appropriated for the support of the fire department" (Rec. No. 56), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading.

The Senate bill (No. 232) entitled "An act to amend chapter 131 of the Laws of 1885, entitled 'An act to incorporate the city of Amsterdam,' generally" (Rec. No. 30), was read the second time.

On motion of Mr. W. B. Charles, said bill was placed on the order of third reading.

On motion of Mr. W. B. Charles, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hastings	Pendry	Smith J T
Allen F E	Cowan	Hooker	Perham	Standart
Allen J G	Cox	Hooper	Perry	Stanley
Anderson	Dale	Hubbs	Plank	Steele
Apgar	Dodd	Kavanaugh	Platt	Stevens
Bass	Donovan	Knapp	Prentice	Sullivan
Becker	Dowling	La Rue	Prince	Thompson G F
Bedell	Ellis	Lewis	Quinn	Thompson J A
Beihlf	Etsel	Machacek	Reeve	Thonet
Bird	Evans	Malloy	Rigby	Tompkins
Bisland	Everett	Mathews T F	Rogers	Wade
Brooks	Fish	Matthews C R	Salomon	Wagner
Burnett	Foelker	McKeown	Sammon	Wadsworth
Burns	Foster	McManus	Santee	Wainwright
Burzynski	Francisco	Mead	Schoeneck	West
Byrne	Fuller	Miller	Scovill	Wemple
Cadin	Gardner	Monroe	Shanahan	Whitney F G
Callahan	Grady	Moreland	Sheehy	Wiegand
Carrier	Grattan	Murphy	Sherry	Wilsnack



Cadin	Fuller	Mead	Sammon	Whitney F G
Cahn	Gates	Merritt	Schoeneck	Whitney G H
Callahan	Grattan	Monroe	Scovill	Wiegand
Carrier	Gray	Moreland	Shanahan	Wilson
Caughlan	Gurnett	Murphy	Sheehy	Wolf
Charles W B	Hackett	Newton	Sheldon	Wood F C
Cooke	Hanford	Nugent	Sherry	Wood F X
Coon	Hapeman	Ogden	Slocum	Yale
Cotton	Hartman	O'Neill	Smith A P	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 752) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to change a certain lease made by mayor, aldermen and commonalty of the city of New York, to the Hahnemann Hospital of the city of New York to a grant to the said the Hahnemann Hospital of the city of New York, and to authorize the sale and lease or mortgage of the property covered thereby, by the said the Hahnemann Hospital of the city of New York" (Int. No. 664), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 523) entitled "An act to amend chapter 665 of the Laws of 1897, entitled 'An act to lay out and establish and construct a public drive and parkway in the city of New York as an extension of Riverside drive to the Boulevard LaFayette,' relative to assessments of damages" (Int. No. 481), was read the second time.

On motion of Mr. R. H. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 590) entitled "An act to amend chapter 160 of the Laws of 1900, entitled 'An act to incorporate the city of Cortland,' relative to revising certain sections of the charter" (Int. No. 536), was read the second time.

On motion of Mr. Newton, said bill was placed on the order of third reading.

On motion of Mr. Newton, and by unanimous consent, said bill was read the third time, having been printed and upon the

desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hubbs	Perry	Stanley
Allen F E	Dale	Kavanaugh	Phillips	Steele
Allen J G	Dodd	Knapp	Plank	Stevens
Apgar	Donovan	La Rue	Pratt	Sullivan
Bass	Ellis	Leggett	Prentice	Thompson G F
Becker	Etzel	Lewis	Prince	Thompson J A
Bedell	Evans	Machacek	Reeve	Thonet
Beebe	Everett	Maier	Reilly	Tompkins
Beihilf	Fish	Malloy	Rigby	Waddell
Bird	Fitzsimons	Mathews T F	Rogers	Wade
Bisland	Foster	Matthews C R	Rosenstein	Wagner
Brooks	Francisco	McKeown	Sammon	Wainwright
Burnett	Freidel	McManus	Santee	Wedemeyer
Burns	Fuller	Mead	Schoeneck	West
Burzynski	Gates	Miller	Scovill	Wemple
Byrne	Grady	Monroe	Shanahan	Whitney F G
Cadin	Gray	Moreland	Sheehy	Wiegand
Callahan	Gurnett	Murphy	Sheldon	Wilsnack
Carrier	Hackett	Newton	Shuttleworth	Wilson
Caughlan	Hanford	Nugent	Slocum	Wolf
Charles E E	Hapeman	O'Neill	Smith A P	Wood F C
Cooke	Hartman	Palmer	Smith A E	Wood F X
Coon	Hastings	Parker	Smith J E	Yale
Coutant	Hooper	Pendry	Smith J T	Young
Cowan	Hornidge	Perham	Smith R H	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 635) entitled "An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York" (Int. No. 171), was read the second time.

On motion of Mr. Yale, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 773) entitled "An act providing for the use of park lands in the city of Buffalo for a pumping station in connection with the public waterworks in said city" (Int. No. 685), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 772) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the police force" (Int. No. 684), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 846) entitled "An act to amend chapter 478 of the Laws of 1893, entitled 'An act to incorporate the city of Olean,' in relation to commitments to the Erie county penitentiary" (Int. No. 748), was read the second time.

On motion of Mr. Sheldon, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 888) entitled "An act to amend chapter 463 of the Laws of 1904, entitled 'An act authorizing the flushing of paved streets within the city of Auburn, and providing the method and means of payment therefor'" (Int. No. 774), was read the second time.

On motion of Mr. Hapeman, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 771) entitled "An act to amend chapter 14 of the Laws of 1880, entitled 'An act to further amend chapter 143 of the Laws of 1861, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, and to consolidate therewith the several acts in relation to the charter of said city," relating to ordinances'" (Int. No. 683), was read the second time.

On motion of Mr. Callahan, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 682) entitled "An act to amend chapter 550 of the Laws of 1903, entitled 'An act to amend chapter 537 of the Laws of 1901, entitled "An act to amend chapter 687 of the Laws of 1894, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westches-

ter county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail of Westchester county and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,' " as amended by chapter 420 of the Laws of 1895, and by chapter 310 of the Laws of 1899, relative to the powers and duties of sheriff' " (Int. No. 616), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading.

On motion of Mr. Wainwright, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 117

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hornidge	Parker	Smith R H
Allen F E	Dodd	Hubbs	Patton	Standart
Allen J G	Donovan	Hurd	Pendry	Stanley
Anderson	Dowling	Kavanaugh	Perham	Steele
Bass	Ellis	Knapp	Phillips	Sullivan
Becker	Etsel	La Fetra	Plank	Thompson G F
Bedell	Everett	La Rue	Pratt	Thompson J A
Beebe	Fish	Lewis	Prentice	Thonet
Beihilf	Foelker	Machacek	Prince	Waddell
Bisland	Foster	Maier	Quinn	Wade
Brady	Francisco	Mathews T F	Reilly	Wagner
Burnett	Fuller	Matthews C R	Rigby	Wainwright
Burns	Gardner	McKeown	Rosenstein	Wedemeyer
Burzynski	Gates	McManus	Salomon	West
Byrne	Grady	Mead	Sammon	Whitney F G
Cahn	Grattan	Merritt	Schoeneck	Whitney G H
Callahan	Gray	Miller	Shanahan	Wilsnack
Carrier	Hackett	Monroe	Sheldon	Wilson
Charles E E	Hammond	Moreland	Sherry	Wolf
Charles W B	Hanford	Newton	Slocum	Wood F C
Coon	Hapeman	Nugent	Smith A P	Wood F X
Cotton	Hastings	Ogden	Smith A E	Yale
Cowan	Hooker	O'Neill	Smith J T	Young
Cox	Hooper			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 414) entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of index clerks, custodians, comparing clerks and messengers" (Int. No. 381), was read the second time.

On motion of Mr. Dowling, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 813) entitled "An act to amend the County Law in relation to the power of the board of supervisors of any county to sell, assign, transfer or set over a judgment obtained in the Court of Claims by such county against the State of New York" (Int. No. 228), having been announced for a second reading,

Mr. Cooke moved to amend as follows:

Insert in line 14, page 2, after the word "fund" the words "subject to the restrictions now governing the investment of said various funds."

On motion of Mr. Gates, and by unanimous consent, said bill, with pending amendment, was made a special order on second and third reading for Thursday next immediately after the reading of the journal.

The bill (No. 812) entitled "An act to amend chapter 44 of the Laws of 1853, entitled 'An act for the better support of the poor in the town of Newburgh in the county of Orange,' in relation to the corporate name and terms of the commissioners of the almshouse" (Int. No. 382), was read the second time.

On motion of Mr. Hastings, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 575) entitled "An act creating a commission to investigate the condition of certain marshes in the vicinity of Staten Island, as affecting the public health, or the property values and other interests of Staten Island" (Int. No. 528), was read the second time.



On motion of Mr. Wilsnack, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 758) entitled "An act to amend chapter 686 of the Laws of 1894, entitled, as amended, 'An act for the preservation of macadamized and other public highways in the counties of Queens and Nassau,' by exempting certain roads from certain of the provisions thereof" (Int. No. 670), having been announced for a second reading,

On motion of Mr. Sullivan, said bill was recommitted to the committee on internal affairs, retaining its place on the order of second reading.

The bill (No. 490) entitled "An act to provide for the appointment of a commission to investigate the matter of disputed title to lands claimed by the State in counties containing portions of the Forest Preserve" (Int. No. 460), was read the second time.

On motion of Mr. F. C. Wood, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 766) entitled "An act to legalize and confirm the proceedings of 'the board of education of the village of Salem,' and legal voters of union free school district No. 12 of the town of Salem, Washington county, relative to the levy of a tax payable in installments and the issuance and sale of certain school bonds of said district" (Int. No. 678), was read the second time.

On motion of Mr. Parker, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 903) entitled "An act to provide for the extension of Exterior street from East Eighty-first street to East Eighty-second street in the borough of Manhattan, city of New York" (Int. No. 399), was read the second time.

On motion of Mr. Cahn, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 721) entitled "An act to amend the Revised Statutes relative to the parole of prisoners" (Int. No. 641), was read the second time.

On motion of Mr. Moreland, said bill was placed on the order of third reading and referred to the committee on revision.

Mr. Phillips in the chair.

The bill (No. 907) entitled "An act to amend section 15 of the Town Law, relating to highway commissioners" (Int. No. 526), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 906) entitled "An act to authorize the issuance and sale of bonds of the town of Greenburgh, in the county of Westchester, N. Y., in the aggregate principal sum of \$225,500, to provide for the expense of repairing, grading and macadamizing certain roads and highways in said town, to provide for security to be given by the supervisor of said town, and to provide for the raising of taxes to pay the principal and interest on said bonds as the same become due" (Int. No. 495), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 905) entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton' and the several acts amendatory thereof, relative to sale of lands for unpaid taxes or assessments" (Int. No. 502), was read the second time.

On motion of Mr. F. E. Allen, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 48, Assembly reprint No. 908) entitled "An act to legalize and validate certain acts of the electors of the town of Oswegatchie, St. Lawrence county, N. Y., the town officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town" (Rec. No. 4), was read the second time.

On motion of Mr. Plank, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 337) entitled "An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' by fixing salary

of stenographer of city court " (Int. No. 337), was read the second time.

On motion of Mr. Leggett, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 551) entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof, relative to building and maintaining of sidewalks and curbing, and the cost thereof" (Int. No. 501), was read the second time.

On motion of Mr. F. E. Allen, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 481) entitled "An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' in relation to the powers of said city to acquire a waterworks system" (Int. No. 451), having been announced for a second reading,

On motion of Mr. Leggett, said bill was laid aside, retaining its place on the order of second reading.

The bill (No. 753) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York and directing the comptroller to make such assessments accordingly" (Int. No. 665), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 477) entitled "An act to amend chapter 13 of the Laws of 1897, entitled 'An act to amend chapter 538 of the Laws of 1895, entitled "An act to amend chapter 429 of the Laws of 1894, entitled 'An act to amend chapter 585 of the Laws of 1893, entitled "An act to authorize the city of Brooklyn to make yearly provisions for the celebration of Memorial day, including the year 1893 "" "" "" "" "" (Int. No. 447), was read the second time.

On motion of Mr. Cotton, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 282) entitled "An act to amend the Greater New York charter by exempting from levy and sale by

virtue of an execution all pensions or annuities payable out of the public school teachers' retirement fund" (Rec. No. 48), was read the second time.

On motion of Mr. Agnew, said bill was placed on the order of third reading.

The Senate bill (No. 154) entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of raising money to construct, maintain, extend, repair and regulate waterworks" (Rec. No. 6), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading.

On motion of Mr. Cox, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 120

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hubbs	Perham	Standart
Allen F E	Cunningham	Hurd	Perry	Stanley
Allen J G	Dodd	Kavanaugh	Phillips	Steele
Anderson	Donovan	Knapp	Platt	Stevens
Apgar	Dowling	La Fetra	Pratt	Tenjost
Becker	Etzel	Leggett	Prentice	Thompson G F
Bedell	Evans	Lewis	Prince	Thompson J A
Beebe	Everett	Maier	Quinn	Tompkins
Beihlf	Fish	Malloy	Reeve	Waddell
Bisland	Foelker	Mathews T F	Reilly	Wade
Brady	Foster	Matthews C R	Rigby	Wagner
Brooks	Freidel	McKeown	Rogers	Wadsworth
Burnett	Fuller	McManus	Salomon	Wainwright
Burzynski	Gardner	Merritt	Sammon	Wedemeyer
Byrne	Gates	Miller	Santee	Wemple
Cadin	Grattan	Monroe	Schoeneck	Whitney F G
Cahn	Gray	Moreland	Scovill	Whitney G H
Carrier	Gurnett	Murphy	Sheehy	Wiegand
Caughlan	Hammond	Newton	Sheldon	Wilson
Charles E E	Hanford	Ogden	Shuttleworth	Wolf
Cooke	Hapeman	O'Neill	Slocum	Wood F C
Coon	Hastings	Palmer	Smith A E	Wood F X
Cotton	Hooker	Parker	Smith J E	Yale
Coutant	Hooper	Patton	Smith J T	Young



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 155) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the department of public instruction" (Rec. No. 17), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading.

The Senate bill (No. 95) entitled "An act to amend the Greater New York charter relative to the department of docks and ferries" (Rec. No. 71), was read the second time.

On motion of Mr. Ellis, said bill was placed on the order of third reading.

On motion of Mr. Ellis, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hooper	Parker	Smith J E
Allen F E	Dale	Hornidge	Pendry	Smith R H
Allen J G	Dodd	Hurd	Perham	Standart
Anderson	Donovan	Kavanaugh	Perry	Steele
Apgar	Ellis	La Fetra	Plank	Stevens
Bass	Etzel	La Rue	Platt	Sullivan
Bedell	Evans	Lewis	Pratt	Thompson G F
Beebe	Everett	Machacek	Prince	Thompson J A
Beihliff	Fish	Maier	Quinn	Tompkins
Bird	Fitzsimons	Malloy	Reeve	Waddell
Bisland	Foelker	Mathews T F	Rigby	Wade
Brooks	Foster	Matthews C R	Rogers	Wagner
Burns	Francisco	McKeown	Rosenstein	Wainwright
Burzynski	Fuller	McManus	Salomon	Wedemeyer
Cadin	Gardner	Mead	Sammon	Wemple
Cahn	Gates	Merritt	Santee	Whitney F G



Carrier	Grady	Miller	Scovill	Whitney G H
Caughlan	Gray	Monroe	Shanahan	Wilsnack
Charles E E	Gurnett	Moreland	Sheehy	Wilson
Charles W B	Hammond	Murphy	Sherry	Wolf
Coon	Hanford	Newton	Shuttleworth	Wood F X
Cotton	Hapeman	Ogden	Slocum	Yale
Coutant	Hartman	O'Neill	Smith A P	Young
Cox	Hooker	Palmer		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 255) entitled "An act to change the name of 'The Thomas Asylum for Orphan and Destitute Indian Children' to 'The Thomas Indian School'" (Rec. No. 45), was read the second time.

On motion of Mr. Brooks, said bill was placed on the order of third reading.

On motion of Mr. Brooks, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 112

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Perham	Standart
Allen F E	Cunningham	Knapp	Phillips	Steele
Allen J G	Dodd	La Rue	Plank	Stevens
Anderson	Donovan	Leggett	Pratt	Tenjost
Apgar	Dowling	Lewis	Prentice	Thompson G F
Becker	Ellis	Machacek	Prince	Thompson J A
Bedell	Etzel	Malloy	Quinn	Tompkins
Beebe	Everett	Mathews T F	Reeve	Wade
Beihlf	Fish	Matthews C R	Reilly	Wagner
Bisland	Fitzsimons	McKeown	Rogers	Wadsworth
Brooks	Foster	McManus	Rosenstein	Wainwright
Burnett	Francisco	Mead	Sammon	Wedemeyer
Burzynski	Freidel	Miller	Santee	West
Byrne	Gardner	Monroe	Schoeneck	Whitney F G
Cahn	Grady	Moreland	Shanahan	Whitney G H
Callahan	Gray	Murphy	Sheehy	Wiegand
Carrier	Gurnett	Newton	Sherry	Wilsnack
Caughlan	Hammond	Nugent	Shuttleworth	Wolf

Charles E E	Hapeman	O'Neill	Smith A P	Wood F C
Charles W B	Hartman	Palmer	Smith A E	Wood F X
Cooke	Hooker	Parker	Smith J T	Yale
Cotton	Hornidge	Pendry	Smith R H	Young
Coutant	Hubbs			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

Mr. Rogers in the chair.

The Senate bill (No. 254) entitled "An act to amend chapter 173 of the Laws of 1895, entitled 'An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie, relative to the office of the county auditor'" (Rec. No. 49), was read the second time.

On motion of Mr. Brooks, said bill was placed on the order of third reading.

By unanimous consent, Mr. J. T. Smith called up the Assembly bill (No. 689) entitled "An act to amend the Banking Law, relative to securities in which deposits in savings banks may be invested" (Int. No. 623), heretofore laid aside on the order of second reading.

Mr. Smith moved to amend as follows:

Page 2, lines 20 and 21, strike out the word "forty-nine" and insert the word "sixty-one."

Page 3, lines 1 and 2, after the word "defaulted" insert the words "for more than ninety days."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Ordered, That said bill be reprinted.

Mr. Smith—Mr. Speaker, may I ask to have it advanced?

Mr. La Fetra—I object to that.

Mr. Speaker—It is on the order of second reading now.

Mr. La Fetra—I object, Mr. Speaker, to having it go upon the order of third reading.

Mr. Speaker—He does not ask to have it go upon the order of third reading——

Mr. La Fetra—I have no objection to its being reprinted and placed on the laid aside calendar again.

Mr. Speaker—The Chair would state that the House has by unanimous consent taken the bill from the laid aside calendar—

Mr. La Fetra—For the purpose of amendment only?

Mr. Speaker—To offer an amendment. It is now in the possession of the House, and not upon the laid aside calendar.

Mr. La Fetra—I understood it was only for the purpose of amendment; that it go back upon the laid aside calendar again after it was reprinted.

Mr. Speaker—The gentleman from Dutchess, Mr. Smith.

Mr. Smith—This is a bill that was drawn by the Savings Bank Association. It has the approval of every savings bank in the State. There was a large hearing—

Mr. Speaker—Will the gentleman from Dutchess yield? The Chair holds, for the purpose of straightening out the mind of the House on the parliamentary status of the bill, that the bill has by unanimous consent been taken from the laid aside calendar, and is therefore in the custody of the House upon the order of second reading. It has just been amended by the gentleman from Dutchess. Upon the reprinting of the bill, because of such amendment, it will, in the regular course of procedure, go upon the calendar on the order of second reading.

Mr. Palmer—Mr. Speaker, we do not want any ruling made by the Chair that is inconsistent with the request made to which unanimous consent was given. The request was made that this bill be taken from the laid aside calendar for the purpose of amendment. Had the gentleman asked that consent be given that it be taken from the laid aside calendar for the purpose of putting it upon the calendar again—but when the amendment is made, then it must still remain upon the laid aside calendar for that was the only request. Any other request would have been objected to.

Mr. La Fetra—I understand the request to be as stated by Mr. Palmer, and with that understanding I made no objection.

The gentleman was asked whether or not he desired to take it from the laid aside calendar——

Mr. Speaker—The chair desires to state for the benefit of the House and the gentleman from Schoharie that the ruling or suggestion by the Chair as to the status of this bill was based upon the statement from the desk that it was the uniform custom.

Mr. Palmer—Yes, I understand that, but there appears to be such a desire to discuss this bill that I did not want to consent any way to its advancement and do not want to be in that position, so when the gentleman said he called it up for the purpose of amendment to that I consented, and nothing further. No, there is no doubt by giving a day's notice he could bring it up; so perhaps there is not so much delay about it——

Mr. Speaker—The bill will take the regular order of procedure, and the rules which have governed the House with regard to these matters will be applied without any addition to this bill.

A message was received from the Senate in the words following:

IN SENATE, *February 28, 1905.*

Pursuant to concurrent resolution of the Senate and Assembly, the Governor returned the Senate bill (No. 173, reprint No. 473), entitled "An act to legalize and to provide for the payment of bonds of the village of Tuckahoe in the county of Westchester, directed to be issued for the improvement of Washington and a portion of Breckinredge streets in said village." (Rec. No. 13.)

The vote upon the final passage of said bill having been reconsidered, on motion of Mr. Carpenter, and by unanimous consent, the same was amended as follows:

Add new section as follows:

"§ 4. Nothing herein contained shall be construed to affect any litigation now pending."

Make former "§ 4" read "§ 5."

Said bill as amended was reprinted, re-engrossed, and, having been upon the desks of the members three calendar legislative days, was passed and ordered sent to the Assembly for concurrence.

By order of the Senate,

JAMES S. WHIPPLE,

*Clerk.*

Mr. Rigby moved to reconsider the vote by which said bill was passed.

Mr. Speaker put the question whether the House would agree to the reconsideration of the vote on the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hornidge	Patton	Smith R H
Allen F E	Cunningham	Hubbs	Pendry	Standart
Allen J G	Dodd	Hurd	Perham	Stanley
Anderson	Donovan	Kavanaugh	Perry	Steele
Apgar	Dowling	Knapp	Phillips	Stevens
Bass	Ellis	La Fetra	Plank	Sullivan
Becker	Etzel	La Rue	Platt	Tenjost
Bedell	Evans	Leggett	Pratt	Thompson G F
Beebe	Everett	Lewis	Prentice	Thonet
Beihlf	Fish	Machacek	Prince	Tompkins
Bisland	Fitzsimons	Maier	Quinn	Waddell
Brooks	Foelker	Malloy	Reeve	Wade
Burnett	Foster	Mathews T F	Rigby	Wagner
Burns	Francisco	Matthews C R	Rogers	Wadsworth
Burzynski	Fuller	McKeown	Rosenstein	Wainwright
Byrne	Gardner	McManus	Salomon	Wedemeyer
Cadin	Gates	Mead	Sammon	West
Cahn	Grady	Merritt	Santee	Wemple
Callahan	Grattan	Miller	Schoeneck	Whitney F G
Carrier	Gray	Monroe	Scovill	Whitney G H
Caughlan	Gurnett	Moreland	Shanahan	Wiegand
Charles E E	Hackett	Murphy	Sheldon	Wilsnack
Charles W B	Hanford	Newton	Sherry	Wilson
Cooke	Hapeman	Nugent	Shuttleworth	Wood F C
Coon	Hartman	Ogden	Smith A P	Wood F X
Cotton	Hastings	O'Neill	Smith A E	Yale
Coutant	Hooker	Palmer	Smith J T	Young
Cowan	Hooper			

Mr. Rigby moved to concur in the Senate amendments.

Mr. Speaker put the question whether the House would concur in said amendments, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 118

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Perry	Smith J T
Allen F E	Cunningham	Knapp	Phillips	Smith R H
Allen J G	Dale	La Fetra	Plank	Standart
Anderson	Dodd	La Rue	Platt	Stanley
Apgar	Donovan	Leggett	Pratt	Steele
Bass	Dowling	Machacek	Prentice	Stevens
Becker	Etzel	Maier	Prince	Tenjost
Bedell	Evans	Malloy	Quinn	Thompson G F
Beebe	Everett	Mathews T F	Reeve	Thompson J A
Beihliff	Fitzsimons	Matthews C R	Reilly	Thonet
Bird	Foelker	McKeown	Rigby	Tompkins
Bisland	Foster	McManus	Rogers	Waddell
Brady	Francisco	Mead	Rosenstein	Wagner
Brooks	Fuller	Merritt	Salomon	Wadsworth
Burnett	Gardner	Miller	Sammon	Wainwright
Burzynski	Gates	Monroe	Santee	Wedemeyer
Byrne	Grattan	Moreland	Schoeneck	West
Cahn	Gray	Murphy	Scovill	Whitney F G
Callahan	Gurnett	Newton	Shanahan	Whitney G H
Carrier	Hackett	Nugent	Sheehy	Wiegand
Caughlan	Hammond	Ogden	Sheldon	Wilsnack
Charles E E	Hanford	O'Neill	Sherry	Wilson
Charles W B	Hapeman	Palmer	Shuttleworth	Wood F C
Cooke	Hastings	Parker	Slocum	Wood F X
Coon	Hooker	Patton	Smith A P	Yale
Cotton	Hooper	Pendry	Smith J E	Young
Coutant	Hubbs	Perham		

Ordered. That the Clerk return said bill to the Senate, with a message that the Assembly have reconsidered their vote on the final passage of said bill, and, as amended, have again passed the same.

The Senate returned the Senate bill (No. 138) entitled "An act to authorize the city of Mount Vernon to issue bonds for the purpose of refunding bonds falling due on or before February 1, 1906, and for which no provision has been made in the sinking fund" (Rec. No. 12), with a message that this bill was duly passed by the Senate and Assembly and was transmitted to the mayor of the city of Mount Vernon for a public hearing in said city, as provided by law, but was not returned by said mayor within the time prescribed by law. Said bill was thereafter again duly passed, a majority of all the Senators elected voting in favor thereof, and three-fifths being present, the President stating the question to be: "Shall this bill pass notwithstanding the

failure of the mayor of the city of Mount Vernon to return said bill within the time required by law?"

Mr. Speaker stated the question to be "Shall this bill pass notwithstanding the failure of the mayor of the city of Mount Vernon to return said bill within the time prescribed by law?" and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present, said bill having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

AYES 129

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hornidge	Perry	Steele
Allen F E	Cunningham	Hubbs	Phillips	Stevens
Allen J G	Dale	Kavanaugh	Plank	Sullivan
Anderson	Donovan	Knapp	Platt	Tenjest
Bass	Dowling	La Petra	Prentice	Thompson G F
Becker	Ellis	La Rue	Prince	Thompson J A
Bedell	Evans	Leggett	Quinn	Thonet
Beebe	Everett	Lewis	Reeve	Tompkins
Beihlf	Fish	Machacek	Reilly	Waddell
Bird	Foelker	Malloy	Rigby	Wade
Bisland	Foster	Mathews T F	Rosenstein	Wagner
Brady	Francisco	Matthews C R	Salomon	Wadsworth
Brooks	Freidel	McKeown	Sammon	Wainwright
Burnett	Fuller	McManus	Santee	Wedemeyer
Burns	Gardner	Mead	Shoeneck	West
Burzynski	Gates	Miller	Scovill	Wemple
Byrne	Grattan	Monroe	Sheehy	Whitney F G
Cadin	Gray	Moreland	Sheldon	Whitney G H
Cahn	Gurnett	Murphy	Sherry	Wiegand
Carrier	Hackett	Newton	Shuttleworth	Wilsnack
Caughlan	Hanford	Ogden	Slocum	Wilson
Charles E E	Hapeman	O'Neill	Smith A E	Wood F C
Charles W B	Hartman	Palmer	Smith J T	Wood F X
Cooke	Hastings	Parker	Smith R H	Yale
Coon	Hooker	Patton	Standart	Young
Cotton	Hooper	Pendry	Stanley	

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have again passed said bill.

Mr. Grattan offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 145, entitled "An act to amend chapter 975 of

the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary" (Int. No. 2), for the purpose of giving the Governor additional time in which to consider the said bill.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Grattan offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 3, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and having a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (Int. No. 3), for the purpose of giving the Governor additional time in which to consider the said bill.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Moreland offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 221, entitled "An act to provide for the building of a bridge or the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof" (Int. No. 221), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That the Clerk of the Senate and the Clerk of the Assembly be and hereby are authorized to purchase the necessary books for the libraries of the Senate and Assembly, and for the use of the various committees; the same to be paid for out of the contingent fund of the Legislature upon the certificate of the Clerks of said Houses respectively.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 126

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hooper	Parker	Smith J E
Allen F E	Dale	Hornidge	Pendry	Smith J T
Allen J G	Dodd	Hubbs	Perham	Smith R H
Apgar	Donovan	Hurd	Perry	Standart
Bass	Dowling	Kavanaugh	Phillips	Stanley
Becker	Ellis	Knapp	Plank	Stevens
Bedell	Etzel	La Fetra	Platt	Sullivan
Beebe	Everett	Leggett	Prentice	Tenjust
Beihilf	Fish	Lewis	Prince	Thompson J A
Bird	Fitzsimons	Machacek	Quinn	Thonet
Bisland	Foelker	Maier	Reeve	Tompkins
Brady	Foster	Malloy	Rigby	Waddell
Brooks	Francisco	Mathews T F	Rogers	Wagner
Burnett	Freidel	Matthews C R	Rosenstein	Wadsworth
Burns	Fuller	McKeown	Salomon	Wainwright
Burzynski	Gardner	McManus	Sammon	Wedemeyer
Byrne	Grady	Mead	Santee	Wemple
Cadin	Grattan	Merritt	Schoeneck	Whitney F G
Cahn	Gray	Monroe	Scovill	Whitney G H
Callahan	Gurnett	Moreland	Shanahan	Wilsnack
Carrier	Hammond	Murphy	Sheehy	Wilson
Charles E E	Hanford	Newton	Sheldon	Wolf
Charles W B	Hapeman	Nugent	Sherry	Wood F C
Coon	Hartman	Ogden	Shuttleworth	Wood F X
Cotton	Hastings	O'Neill	Smith A P	Yale
Coutant	Hooker	Palmer	Smith A E	Young
Cox				

Ordered, That the Clerk return said resolution to the Senate with a message that the Assembly have concurred in the passage of the same.



The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return of Senate bill No. 141, entitled "An act authorizing the town board of the town of White Plains, to appropriate certain moneys to the White Plains Hospital Association of White Plains" (Rec. No. 21), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 3, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (Int. No. 3), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 145, entitled "An act to amend chapter 975 of the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town" (Int. No. 2), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 221, entitled "An act to provide for the building of a bridge or



the reconstructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof" (Int. No. 221), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment:

"An act to provide for the payment of office expenses and salaries of employees in the office of the State Superintendent of Elections for the Metropolitan Elections District." (No. 126, Int. No. 126.)

"An act to amend chapter 328 of the Laws of 1886, entitled 'An act to establish a fire district in a part of the town of Waterford and to provide for a supply of water and to purchase apparatus or hose or both for extinguishment of fires therein and to pay for the same by assessment, levy and collection therefor upon such district and directing the care, management and control of the same' in relation to boundaries." (No. 548, Int. No. 394.)

"An act to amend the Tax Law, in relation to the time of making assessment." (No. 629, Int. No. 241.)

Ordered, That the Clerk deliver said bills to the Governor.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,

ALBANY, *March 2, 1905.*

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 3, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line." (Int. No. 3.)

FRANK W. HIGGINS.

Also, the following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,  
ALBANY, *March 2, 1905.*

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 145, entitled "An act to amend chapter 975 of the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town." (Int. No. 2.)

FRANK W. HIGGINS.

Also, the following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,  
ALBANY, *March 2, 1905.*

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 311, entitled "An act authorizing the village of Clyde to raise money to pay and satisfy a final judgment against the village of Clyde as the result of personal injuries sustained by Henry Knapp on account of the negligence of said village." (Int. No. 311.)

FRANK W. HIGGINS.

A communication was received from Hon. Erastus C. Knight, mayor of the city of Buffalo, returning Assembly bill No. 446, entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the acts amendatory thereof and supplemental thereto, in relation to filling vacancies in office of mayor" (Int. No. 206), with a message that said mayor, after a public hearing thereon, does approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

A communication was received from Hon. J. E. Mansfield, mayor of the city of Oswego, returning Assembly bill No. 143, entitled "An act to amend chapter 394 of the Laws of 1895, entitled 'An act to revise the charter of the city of Oswego' by authorizing the issue of bonds to provide for a supply of water

from Lake Ontario" (Int. No. 143), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

Mr. Gates presented a petition relating to Senate bill No. 298, which was referred to the committee on public health.

On motion of Mr. Burnett, the House adjourned.

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FRIDAY, MARCH 3, 1905.

The House met pursuant to adjournment.

Mr. Rogers in the chair.

Prayer by Rev. James Boddy, of Troy.

On motion of Mr. Burnett, the reading of the journal of yesterday was dispensed with, and the same was approved.

Mr. Agnew introduced a bill entitled "An act to limit the time during which action may be taken for the removal of, or for damages by reason of, certain encroachments upon the streets, avenues and public places of the city of New York" (Int. No. 886), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter, in relation to the use of patented articles" (Int. No. 887), which was read the first time, and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Labor Law relating to the protection of persons employed on buildings in cities" (Int. No. 888), which was read the first time and referred to the committee on labor and industries.

Mr. Cox introduced a bill entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo' and the acts amendatory thereof and supplementary thereto, relating to the public school teachers' re-

tirement fund" (Int. No. 889), which was read the first time and referred to the committee on affairs of cities.

Mr. Foelker introduced a bill entitled "An act to provide for the compensation of the transcribers or copyists of old or mutilated records in the office of the register of the county of Kings" (Int. No. 890), which was read the first time and referred to the committee on internal affairs.

Mr. Hubbs introduced a bill entitled "An act to amend chapter 517 of the Laws of 1871, entitled 'An act to authorize the construction of a railroad from the South Side railroad of Long Island, at a point in the village of Babylon, Suffolk county, to the steamboat dock, at the southern part of said village,' in relation to the relaying of rails and location of track or tracks of the company, and in relation to its motive power" (Int. No. 891), which was read the first time and referred to the committee on railroads.

Mr. Monroe introduced a bill entitled "An act to extend the 1,000-ton barge canal into Cayuga and Seneca lakes, and making an appropriation therefor out of the available \$101,000,000 canal fund" (Int. No. 892), which was read the first time and referred to the committee on canals.

Also, a bill entitled "An act to amend the Public Health Law, relative to admission to medical examinations" (Int. No. 893), which was read the first time and referred to the committee on public health.

Mr. Moreland introduced a bill entitled "An act to amend chapter 238 of the Laws of 1871, entitled 'An act to provide for the payment of the crier and attendants of the Court of Appeals,' relating to the appointment of a law clerk and a confidential clerk to the chief judge of such court" (Int. No. 894), which was read the first time and referred to the committee on the judiciary.

Mr. Nugent introduced a bill entitled "An act to amend chapter 339 of the Laws of 1883, entitled 'An act concerning pawnbrokers,' making pawn ticket evidence of agreement only when such agreement appears on ticket delivered to pledgor" (Int.

No. 895), which was read the first time and referred to the committee on general laws.

Mr. Prentice introduced a bill entitled "An act to amend the Metropolitan Elections District Law, being chapter 676 of the Laws of 1898, and the acts amendatory thereof" (Int. No. 896), which was read the first time and referred to the committee on the judiciary.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law, relative to the close season" (Int. No. 897), which was read the first time and referred to the committee on fisheries and game.

Mr. Reeve introduced a bill entitled "An act to repeal chapter 133 of the Laws of 1902, entitled 'An act to provide for the election and to prescribe the terms and compensation of the town trustees in the town of Southampton in the county of Suffolk and legalizing payment of compensation to the present and former trustees'" (Int. No. 898), which was read the first time and referred to the committee on internal affairs.

Mr. Rogers introduced a bill entitled "An act to authorize and empower the Commissioners of the Land Office to convey to the United States of America certain lands in what was formerly known as the town of Southfield, in the county of Richmond, known as lot No. 11, map or page 11, tax maps of the town of Southfield, said lot being a part of the Fort Wadsworth Military Reservation and having been sold by the treasurer of Richmond county to the State of New York for taxes in 1896" (Int. No. 899), which was read the first time and referred to the committee on ways and means.

Mr. Sammon introduced a bill entitled "An act for the better protection of passengers on street railroads in cities having a population of 1,000,000 or over" (Int. No. 900), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to amend chapter 528 of the Laws of 1902, entitled 'An act to regulate the sales of merchandise in bulk,' relative to notice by purchaser" (Int. No. 901), which



was read the first time and referred to the committee on general laws.

Mr. J. T. Smith introduced a bill entitled "An act to amend the Penal Code, relative to burglary with explosives" (Int. No. 902), which was read the first time and referred to the committee on codes.

Also, a bill entitled "An act to amend chapter 223 of the Laws of 1890, entitled 'An act to authorize towns to raise money to defray the expenses of the proper observance of Memorial or Decoration day,' relating to the raising of money by towns for the proper observance of Memorial or Decoration day" (Int. No. 903), which was read the first time and referred to the committee on internal affairs.

Mr. R. H. Smith introduced a bill entitled "An act to amend section 1633 of the Code of Civil Procedure relating to foreclosure of mortgages and disposition of the surplus proceeds of sale" (Int. No. 904), which was read the first time and referred to the committee on codes.

Mr. Tompkins introduced a bill entitled "An act to amend chapter 531 of the Laws of 1884, entitled 'An act in relation to the office of register of the city and county of New York'" (Int. No. 905), which was read the first time and referred to the committee on affairs of cities.

Mr. Wainwright introduced a bill entitled "An act to amend the Labor Law, relating to scaffolding for use of employees" (Int. No. 906), which was read the first time and referred to the committee on labor and industries.

Also, a bill entitled "An act to amend the Tax Law, subdivision 2 of section 234 thereof" (Int. No. 907), which was read the first time and referred to the committee on taxation and retrenchment.

Also, a bill entitled "An act to amend the charter of the city of New Rochelle in relation to the assessors" (Int. No. 908), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the charter of the city of New Rochelle in relation to compensation of the mayor and

aldermen " (Int. No. 909), which was read the first time and referred to the committee on affairs of cities.

Mr. Wedemeyer introduced a bill entitled "An act to amend chapter 723 of the Laws of 1895, entitled 'An act in relation to religious corporations, constituting chapter 42 of the general laws,' relative to obtaining title to property of an extinct church, parish or religious society " (Int. No. 910), which was read the first time and referred to the committee on charitable and religious societies.

Mr. Wilson introduced a bill entitled "An act to amend the Forest, Fish and Game Law, relative to taking fish with nets in Lake Ontario " (Int. No. 911), which was read the first time and referred to the committee on fisheries and game.

Mr. F. X. Wood introduced a bill entitled "An act to amend chapter 679 of the Laws of 1892, entitled 'An act in relation to Indians, constituting chapter 5 of the general laws,' in relation to medical aid, attendance and sanitation, and making an appropriation therefor " (Int. No. 912), which was read the first time and referred to the committee on fisheries and game.

Also, a bill entitled "An act to amend chapter 839 of the Laws of 1866, entitled 'An act to consolidate school districts No. 7 and No. 28, in the town of Onondaga, county of Onondaga; and to provide for the organization of a school and academy therein, and to enable the said district to provide the necessary buildings therefor,' relative to the amount of moneys authorized to be raised in said district " (Int. No. 913), which was read the first time and referred to the committee on public education.

Mr. Cunningham introduced a bill entitled "An act for the restoration of low rate coal prices by reopening the Delaware and Hudson canal to the coal mines of Pennsylvania, and making an appropriation therefor from the \$101,000,000 available canal fund " (Int. No. 914), which was read the first time and referred to the committee on canals.

Mr. Hammond introduced a bill entitled "An act in relation to certain assessments for local improvements in the city of

Syracuse" (Int. No. 915), which was read the first time and referred to the committee on affairs of cities.

Mr. Merritt introduced a bill entitled "An act to regulate the price of gas and electric light and charges for telephonic and other electric services, and providing for the control and supervision of gas and electric light and other electric corporations" (Int. No. 916), which was read the first time and referred to the committee on general laws.

Also, a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of William W. Walling against the State for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No. 917), which was read the first time and referred to the committee on claims.

Also, a bill entitled "An act to amend section 165 of the Agricultural Law, entitled 'An act in relation to agriculture, constituting articles 1, 2, 3, 4 and 5 of chapter 33 of the general laws'" (Int. No. 918), which was read the first time and referred to the committee on agriculture.

By unanimous consent,

Mr. La Fetra introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Eugene Scherri against the State for damages alleged to have been sustained by him, and to render judgment therefor" (Int. No. 919), which was read the first time and referred to the committee on claims.

Mr. Rogers, from the committee on ways and means, to which was referred the Senate bill introduced by Mr. Raines, Rec. No. 77, entitled "An act to provide for an enumeration of the inhabitants of this State, and making an appropriation therefor" (No. 325), reported in favor of the passage of the same with the following amendments:

Page 2, line 14, strike out the period and insert the words "but, if no person qualified to perform, and willing to undertake the duties of enumerator, resides in the district, the secretary of state is authorized to appoint any competent person to act as enumerator."

Page 3, after line 11, insert the following:

"§ 5. The secretary of state may authorize and direct enumerators to employ interpreters to assist them in their respective election districts in the enumeration of persons not speaking the English language. The compensation of such interpreters shall be fixed by the secretary of state in advance, and shall not exceed three dollars per day for each day actually and necessarily employed.

Same page, line 12, after the section mark strike out the figure "5" and insert the figure "6."

Same page, line 20, after the word "be" insert a semicolon and the words "or if appointed outside of the block or district, give residence."

Page 4, line 13, after the section mark strike out the figure "6" and insert the figure "7."

Same page, line 21, after the section mark strike out the figure "7" and insert the figure "8."

Page 5, line 4, after the section mark strike out the figure "8" and insert the figure "9."

Same page, strike out the whole of lines 11, 12, 13, 14, 15, 16 and 17.

Page 8, line 8, after the word "willfully" strike out "or in."

Same page, line 9, strike out "tentionally."

Page 10, line 11, after the word "return" strike out the period and insert a comma and the words "provided, however, that in towns in those counties included within the boundaries of the forest preserve, having less than one thousand inhabitants as shown by the last preceding census of the United States, the secretary of state may allow two cents for each person enumerated in the return."

JAMES T. ROGERS,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. G. H. Whitney, Int. No. 470, entitled "An act to provide for the acquirement and abolition of toll bridges" (No. 500), reported the following substitute bill, and request that said substitute bill be printed and recommitted to said committee:



AN ACT to provide for the acquirement and abolition of toll bridges.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Section 1. The board of supervisors of any county, in which a toll bridge is situated, may, and upon the presentation of a petition alleging that the public welfare requires that such bridge be free, signed and acknowledged as are deeds for recording, by property owners representing more than one-half of the assessed valuation of the resident property owners of the town or towns in which such bridge is, must adopt a resolution that the public welfare demands that such bridge be free. The board of supervisors of each of two counties in each of which a toll bridge is in part situated may and upon the presentation of a petition, that the public welfare requires that such bridge be free, signed and acknowledged as are deeds for recording by property owners representing more than one-half of the assessed valuation of the resident property owners of the towns in which such bridge is, must adopt a concurrent resolution that the public welfare demands that such bridge be free. Within ten days after the adoption of such resolution, the clerk of such board of supervisors shall transmit a certified copy thereof to the superintendent of public works of the state of New York.

§ 2. The superintendent of public works shall upon the receipt of such certified copy of such resolution, investigate and determine whether the bridge so sought to be made free is of sufficient public importance to come within the provisions of this act, taking into account the use, location and value of such bridge for the purpose of common traffic and travel and after such investigation shall certify his approval or disapproval of such resolution based on such considerations. If he shall disapprove such resolution he shall certify his reasons therefor to such board or boards of supervisors. If he shall approve of such resolution, he shall certify his approval thereof to the attorney-general of the state.

§ 3. Upon the receipt of such certification of approval the attorney-general shall in the name of the people of the state attempt to agree with the owner or owners of the bridge and franchise for their purchase and in case of inability to so agree shall proceed to acquire title to said bridge, and the franchise therefor in accordance with the provisions of the code of civil



procedure for the condemnation of property for public purposes Upon the final determination of said condemnation proceedings the attorney-general shall certify such determination to the comptroller of the state and to the said board or boards of supervisors, which shall thereupon adopt a resolution providing for the payment of the county's share thereof, as hereinafter provided, and transmit a certified copy of such resolution to the said comptroller.

§ 4. One-quarter of the expenses and costs incurred by the state in the purchase or in the condemnation and acquirement of said bridge and the franchise therefor shall be paid by the state treasurer upon the warrant of said comptroller, from any specific appropriations for carrying out the provisions of this act. Three-quarters of said expenses and costs shall be paid by the treasurer of the county in which said bridge is situated, or if said bridge be in part in each of two counties, the treasurer of each of said counties shall pay one-half of said three-quarters of said expenses and costs. One-third of the sum so to be paid by a county treasurer shall be a charge upon the county at large and shall be so levied and two-thirds shall be a charge upon the town in which said bridge is situated or a charge in equal parts upon the towns in which said bridge is situated if not wholly within a town, or if over boundary waters of two towns, and shall be so levied. The board of supervisors of any such county may issue the bonds of the said county for the payment of the expenses and costs of the acquisition of said bridge and franchise or any part thereof, in the same manner as now provided by the general law in relation to county roads and shall, from time to time, impose upon the taxable property of the town or towns liable therefor, as hereinbefore provided, sufficient tax to meet the part or parts of said bonds payable by said town or towns.

§ 5. When a toll bridge shall have been acquired by the state under the provisions of this act it shall be maintained as a free bridge. Upon the acquisition of any toll bridge as provided in this act, the board or boards of supervisors of the county or counties in which said toll bridge is located shall upon notice of such acquisition from the comptroller, accept and cause the same to be maintained as a part of the highway system of said county or counties, as provided in the general highway law, and such acceptance shall be deemed to have been formally taken at

the expiration of twenty days from the notice of said acquisition of the state comptroller.

§ 6. The condemnation and purchase of toll bridges under the provisions of this act shall be taken up by the attorney-general and carried forward in the order in which they are finally designated as determined by the date of the receipt in each case of the certified copy of the approval by said superintendent of public works as provided in section two.

§ 7. This act shall take effect immediately.

S. PERCY HOOKER,  
*Chairman.*

Which report was agreed to and said substitute bill ordered printed and recommitted to said committee.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Gray, Int. No. 264, entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for trout in Dutchess county" (No. 264), reported in favor of the passage of the same with the following amendments:

Page 2, line 8, place brackets before the word "and" and after the word "Tompkins;" also, after the word "Chautauqua" insert the word "and."

WILLIS A. REEVE,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Gray, Int. No. 263, entitled "An act to amend the Forest, Fish and Game Law, relative to the close season for squirrels in Dutchess county" (No. 263), reported in favor of the passage of the same with the following amendments:

In the title strike out the words "Dutchess county" and insert the words "certain counties."

Page 2, line 5, after the word "Rensselaer" insert the word "Sullivan."

Same page, line 8, after the word "inclusive" insert the words "Chautauqua county from December first to October fifteenth, both inclusive."

WILLIS A. REEVE,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Reeve, from the committee on fisheries and game, to which was referred the bill introduced by Mr. Gray, Int. No. 266, entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for grouse, woodcock and quail in Dutchess county" (No. 266), reported in favor of the passage of the same with the following amendments:

In the title strike out the words "Dutchess county" and insert the words "certain counties."

Page 1, line 8, after the word "Greene" insert the words "Tioga, Sullivan."

Page 2, line 10, after the word "Greene" insert the word "Tioga."

Same page, line 23, strike out the word "and."

Same page, line 24, after the word "inclusive" change the period to a comma and add the words "and in the county of Chautauqua from December first to October fifteenth, both inclusive."

WILLIS A. REEVE,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act creating a commission to investigate the condition of certain marshes in the vicinity of Staten Island, as affecting the public health or the property values and other interests of Staten Island." (No. 575, Int. No. 528.)

"An act to amend the Greater New York charter by adding a

new title thereto relative to the retirement fund of the city of New York." (No. 635, Int. No. 171.)

"An act to legalize and validate certain acts of the electors of the town of Oswegatchie, St. Lawrence county, N. Y., the town officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town." (No. 908, Rec. No. 4.)

"An act to authorize the issuance and sale of bonds of the town of Greenburgh, in the county of Westchester, N. Y., in the aggregate principal sum of \$225,500, to provide for the expense of repairing, grading and macadamizing certain roads and highways in said town, to provide for security to be given by the supervisor of said town, and to provide for the raising of taxes to pay the principal and interest on said bonds as the same become due." (No. 906, Int. No. 459.)

"An act to legalize and confirm the proceedings of 'the board of education of the village of Salem' and legal voters of union free school district No. 12 of the town of Salem, Washington county, relative to the levy of a tax payable in installments and the issuance and sale of certain school bonds of said district." (No. 766, Int. No. 678.)

"An act providing for the use of park lands in the city of Buffalo for a pumping station in connection with the public waterworks in said city." (No. 773, Int. No. 685.)

"An act to authorize the city of Buffalo to convey by quitclaim deed to the Delaware, Lackawanna and Western Railroad Company and the New York, Lackawanna and Western Railway Company a part of Liberty street in said city." (No. 709, Int. No. 629.)

"An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York and directing the comptroller to make such assessments accordingly." (No. 753, Int. No. 665.)

"An act to authorize the commissioners of the sinking fund of the city of New York to change a certain lease made by mayor, aldermen and commonalty of the city of New York, to the Hahnemann Hospital of the city of New York, to a grant to the said the Hahnemann Hospital of the city of New York, and to authorize the sale and lease or mortgage of the property covered thereby, by the said the Hahnemann Hospital of the city of New York." (No. 752, Int. No. 664.)

"An act to amend chapter 478 of the Laws of 1893, entitled 'An act to incorporate the city of Olean,' in relation to commitments to the Erie county penitentiary." (No. 846, Int. No. 748.)

"An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton' and the several acts amendatory thereof, relative to building and maintaining of sidewalks and curbing and the cost thereof." (No. 551, Int. No. 501.)

"An act to amend chapter 665 of the Laws of 1897, entitled 'An act to lay out and establish and construct a public drive and parkway in the city of New York as an extension of Riverside drive to the Boulevard LaFayette,' relative to assessments of damages." (No. 523, Int. No. 481.)

"An act to amend the Revised Statutes relative to the parole of prisoners." (No. 721, Int. No. 641.)

"An act to amend chapter 463 of the Laws of 1904, entitled 'An act authorizing the flushing of paved streets within the city of Auburn, and providing the method and means of payment therefor.'" (No. 888, Int. No. 774.)

"An act to amend the Military Code relative to armories." (No. 471, Int. No. 442.)

"An act to provide for the extension of Exterior street from East Eighty-first street to East Eighty-second street in the borough of Manhattan, city of New York." (No. 903, Int. No. 399.)

"An act to provide for the appointment of a commission to investigate the matter of disputed title to lands claimed by the State in counties containing portions of the Forest Preserve." (No. 490, Int. No. 460.)



"An act to amend chapter 44 of the Laws of 1853, entitled 'An act for the better support of the poor in the town of Newburgh in the county of Orange,' in relation to the corporate name and terms of the commissioners of the almshouse." (No. 812, Int. No. 382.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 414) entitled "An act to amend chapter 704 of the Laws of 1901, entitled 'An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of index clerks, custodians, comparing clerks and messengers" (Int. No. 381), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend chapter seven hundred and four of the laws of nineteen hundred and one, entitled 'An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office,' in relation to the compensation of certain employees."

Page 2, line 4, after the word "dollars" insert the words "three equity clerks, each, fifteen hundred dollars."

Same page, line 5, insert a comma after the word "secretary."

Same page, line 6, after the second word "dollars" insert the words "two document searchers, each, one thousand two hundred dollars."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 907) entitled "An act to amend section 15 of the Town Law, relating to highway commissioners" (Int. No. 526), reported the same with the following recommendations:

Page 1, line 3, insert quotation marks after the word "laws."

Page 2, line 10, insert in brackets the word "and" after the word "meeting."

Page 3, line 5, underscore the words "or them" and insert the word "town" after the word "the."

Same page, strike out underscoring under lines 12, 13, 14 and 15.

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 395) entitled "An act to amend sections 2, 4 and 5 of chapter 35 of the Laws of 1902, entitled 'An act creating a city court in and for the city of Poughkeepsie, N. Y.'" (Int. No. 395), reported the same with the following recommendations:

Strike out the words "sections two, four and five of" in second line of title.

Page 1, line 4, strike out the words "so as."

Page 2, line 24, insert a period in brackets after the word "council," and underscore semicolon after same word.

Page 3, strike out underscoring under lines 5, 6, 7, 8 and 9 except under first word "the" in line 8.

Same page, line 6, add letter "s" to the word "information."

Same page, line 10, strike out underscoring under the words "make and sign," and under the words "executions and commitments."

Same page, line 11, strike out underscoring under the words "and certificates of convictions;" strike out the letter "s" in the word "convictions," and insert in brackets the words "when authorized by the court" after the word "convictions."

Same page, line 12, insert a comma after second word "to" and strike out underscoring under the words "and to certify to and sign copies thereof for."

Same page, line 13, strike out underscoring except under the words "or convictions."

Same page, line 14, strike out underscoring under the first words "city court."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was

referred the bill (No. 772) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the police force" (Int. No. 684), reported the same with the following recommendations:

Page 1, line 3, after the word "ninety-one" insert the words "entitled 'An act to revise the charter of the city of Buffalo.'"

Same page, line 6, after the word "is" insert the word "hereby" and strike out the word "so."

Same page, line 7, strike out the first word "as."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 477) entitled "An act to amend chapter 13 of the Laws of 1897, entitled 'An act to amend chapter 538 of the Laws of 1895, entitled "An act to amend chapter 429 of the Laws of 1894, entitled 'An act to amend chapter 585 of the Laws of 1893, entitled "An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial day, including the year 1893 "' "' "' (Int. No. 447), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend chapter five hundred and eighty-five of the laws of eighteen hundred and ninety-three, entitled 'An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial day, including the year eighteen hundred and ninety-three,' relative to naval veterans."

Page 1, line 1, strike out the words "thirteen of the laws of."

Same page, strike out all of lines 2 and 3.

Page 2, strike out all of lines 1 and 2 and strike out the words "four, entitled 'An act to amend chapter'" in third line, same page.

Same page, line 4, insert quotation marks before the word "An."

Same page, line 7, strike out single quotation mark after the word "three," and after the word "three" insert the words "as

amended by chapter four hundred and twenty-nine of the laws of eighteen hundred and ninety-four, as amended by chapter five hundred and thirty-eight of the laws of eighteen hundred and ninety-five, as amended by chapter thirteen of the laws of eighteen hundred and ninety-seven."

Same page, line 12, insert the word "and" after the word "fifty-eighth."

Same page, line 15, insert a comma after the word "may."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 832) entitled "An act to amend the Greater New York charter relative to the department of health" (Int. No. 733), reported the same with the following recommendations:

Insert a comma after the word "charter" in second line of title.

Page 1, line 1, strike out the second word "twelve" and the letter "s" in the word "sections."

Same page, strike out all of line 2.

Same page, strike out all of line 3 except the words "of the" at end of line.

Same page, line 4, strike out the words "and amended."

Same page, line 6, strike out the first word "and" and insert the words "as amended by" in place thereof.

Same page, line 7, strike out the word "are" and insert the word "is" and strike out the words "further" and "so as."

Page 2, line 2, insert parenthesis before the word "and."

Same page, line 3, insert parenthesis after the word "born."

Same page, between lines 17 and 18, insert the words "§ 2. Section twelve hundred and thirty-eight of said chapter, as amended by chapter five hundred and ten of the laws of nineteen hundred and three, is hereby amended to read as follows:"

Page 3, between lines 7 and 8, insert the words "§ 3. Section twelve hundred and thirty-nine of said chapter is hereby amended to read as follows:"

Same page, line 17, capitalize the second word "the" and the word "city."

Page 4, between the lines 2 and 3, insert the words "§ 4. Section twelve hundred and forty of said chapter, as amended by chapter five hundred and ten of the laws of nineteen hundred and three, is hereby amended to read as follows:"

Page 5, between lines 2 and 3, insert the words "§ 5. Section twelve hundred and sixty-six of said chapter is hereby amended to read as follows:"

Same page, line 23, strike out the figure "2" and insert the figure "6."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 337) entitled "An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' by fixing salary of stenographer of city court" (Int. No. 337), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend chapter three hundred of the laws of nineteen hundred and four, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' relative to the powers of the city judge and common council."

Page 1, line 6, underscore the words "Niagara Falls."

Page 2, line 12, after the word "by" insert in brackets the words "the board of estimate and apportionment."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

The bill (No. 803) entitled "An act compelling steamboat corporations to provide transfer facilities for passengers" (Int. No. 717), having been announced for a second reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.



The bill (No. 133) entitled "An act to enable the county of Erie and town of Grand Island to construct a bridge from the town of Grand Island across the east branch of Niagara river to the mainland, and to issue bonds therefor" (Int. No. 133), was read the second time.

On motion of Mr. Patton, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 793) entitled "An act to terminate the existence of the fire department of the second school district of the town of Glenville, Schenectady county, N. Y., and to transfer the property thereof to the village of Scotia, N. Y., and to afford fire protection for the said school district by the fire department of said village of Scotia, N. Y., and to compensate said village for the same" (Int. No. 707), was read the second time.

On motion of Mr. Wemple, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 874) entitled "An act to amend chapter 308 of the Laws of 1904, entitled 'An act relating to the issue of bonds for street improvements in the village of Saranac Lake, county of Franklin,' relative to the issue of bonds for the extension and improvement of the sewer and water systems" (Int. No. 759), was read the second time.

On motion of Mr. C. R. Matthews, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 659) entitled "An act to amend the Village Law in relation to village elections" (Int. No. 592), having been announced for a second reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 113) entitled "An act to amend the Forest, Fish and Game Law, relating to wild fowl on Long Island" (Int. No. 113), having been announced for a second reading,

On motion of Mr. Burnett, and by unanimous consent, said bill was ordered placed on the second reading calendar for Tuesday next.

The bill (No. 499) entitled "An act to amend the Forest, Fish and Game Law in relation to the placing of carp in certain waters" (Int. No. 469), was read the second time.

On motion of Mr. West, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 885) entitled "An act to amend the Forest, Fish and Game Law, relative to close season for lake trout in Putnam county" (Int. No. 771), was read the second time.

On motion of Mr. Yale, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 742) entitled "An act authorizing and directing the Comptroller to readjust and resettle the accounts of certain trust companies for taxes paid under section 187-a of the Tax Law for the years ending June 30, 1901 and 1902" (Int. No. 661), having been announced for a second reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 554) entitled "An act to amend the Tax Law in relation to the expense of publishing notices to redeem from county tax sales" (Int. No. 505), was read the second time.

On motion of Mr. Bedell, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 223) entitled "An act to amend the Transportation Corporations Law in respect to water works corporations" (Int. No. 204), having been announced for a second reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 501) entitled "An act to amend the Domestic Relations Law in relation to the liability of married women for necessities" (Int. No. 471), having been announced for a second reading,

On motion of Mr. Hooker, and by unanimous consent, said bill was ordered placed on the second reading calendar for Thursday next.

The bill (No. 765) entitled "An act to amend the Membership Corporations Law, relating to taxation of lot owners by cemetery corporations" (Int. No. 677), having been announced for a second reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 95) entitled "An act in relation to the use of the flag of the United States of America" (Int. No. 95), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 740) entitled "An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to the removal or garbage and refuse matter and raising money therefor" (Int. No. 659), was read the second time.

On motion of Mr. G. H. Whitney, said bill was placed on the order of third reading.

On motion of Mr. G. H. Whitney, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hurd	Perham	Smith R H
Allen F E	Dodd	Kavanaugh	Perry	Standart
Allen J G	Dowling	Knapp	Phillips	Stanley
Anderson	Ellis	La Fetra	Plank	Steele
Bass	Etzel	La Rue	Platt	Stevens
Becker	Evans	Lewis	Prentice	Sullivan
Bedell	Everett	Machacek	Prince	Tenjost

Beebe	Fitzsimons	Maier	Quinn	Thompson G F
Beihlf	Foelker	Malloy	Reeve	Thompson J A
Bisland	Foster	Mathews T F	Reilly	Thonet
Brady	Freidel	Matthews C R	Rigby	Tompkins
Brooks	Fuller	McKeown	Rogers	Waddell
Burns	Gardner	McManus	Schoeneck	Wade
Burzynski	Gates	Mead	Salomon	Wadsworth
Byrne	Grady	Merritt	Sammon	Wainwright
Cadin	Grattan	Miller	Santee	Wedemeyer
Cahn	Gray	Moreland	Schoeneck	West
Carrier	Hackett	Murphy	Scovill	Whitney F G
Caughlan	Hammond	Newton	Sheehy	Whitney G H
Charles W B	Hanford	Nugent	Sheldon	Wiegand
Cooke	Hartman	Ogden	Sherry	Wilsnack
Coon	Hastings	O'Neill	Shuttleworth	Wilson
Cotton	Hooker	Palmer	Slocum	Wood F C
Coutant	Hooper	Parker	Smith A P	Wood F X
Cox	Hornidge	Patton	Smith A E	Yale
Cunningham	Hubbs	Pendry	Smith J E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 739) entitled "An act to amend the Village Law in relation to the payment of expenses of incorporation" (Int. No. 658), was read the second time.

On motion of Mr. Plank, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 265) entitled "An act to amend the Forest, Fish and Game Law in relation to taking fish through the ice in the town of North East, Dutchess county" (Int. No. 265), was read the second time.

On motion of Mr. Gray, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 767) entitled "An act to provide for the repair and improvement of existing mechanical and other structures and works on and connected with the canals of this State" (Int. No. 679), was read the second time.

On motion of Mr. Patton, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 572) entitled "An act to amend the Banking Law in relation to the impairment of capital and making assessment to make good such impairment" (Int. No. 523), having been announced for a second reading,

On motion of Mr. J. T. Smith, and by unanimous consent, said

bill was ordered placed on the second reading calendar for Monday next.

The bill (No. 683) entitled "An act to amend the Real Property Law in relation to the authentication of conveyances executed outside of the State of New York and within the United States" (Int. No. 617), was read the second time.

On motion of Mr. Merritt, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 539) entitled "An act to amend the Code of Civil Procedure in relation to the fees of constables and deputy sheriffs in Ontario county" (Int. No. 258), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading.

On motion of Mr. Burnett, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

Agnew	Dowling	Kavanaugh	Plank	Stanley
Allen F E	Ellis	Knapp	Platt	Steele
Allen J G	Etzel	La Fetra	Pratt	Stevens
Apgar	Evans	La Rue	Prentice	Sullivan
Bass	Everett	Leggett	Prince	Thompson G F
Bedell	Fish	Lewis	Reeve	Thompson J A
Beebe	Foelker	Machacek	Reilly	Thonet
Beihlf	Foster	Malloy	Rigby	Waddell
Bisland	Francisco	Mathews T F	Rogers	Wade
Brady	Fuller	McKeown	Rosenstein	Wagner
Brooks	Gardner	McManus	Salomon	Wadsworth
Burnett	Gates	Mead	Sammon	Wedemeyer
Burns	Grattan	Merritt	Santee	West
Byrne	Gray	Miller	Schoeneck	Wemple
Cadin	Gurnett	Moreland	Scovill	Whitney F G
Callahan	Hackett	Murphy	Sheehy	Whitney G H
Carrier	Hammond	Newton	Sheldon	Wiegand
Charles E E	Hanford	Nugent	Sherry	Wilsnack
Charles W B	Hapeman	Ogden	Shuttleworth	Wilson



Cooke	Hartman	Palmer	Smith A P	Wolf
Cotton	Hastings	Parker	Smith A E	Wood F C
Coutant	Hooker	Patton	Smith J E	Wood F X
Cox	Hooper	Pendry	Smith J T	Yale
Dale	Hornidge	Perham	Standart	Young
Donovan	Hurd	Phillips		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 788) entitled "An act to amend section 3347 of the Code of Civil Procedure, by adding thereto a new subdivision, to be known as subdivision 15, in relation to the meaning of the term justice of the peace as used in sections 948, 949, 950 and 951 of said code" (Int. No. 701), was read the second time.

On motion of Mr. G. F. Thompson, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 722) entitled "An act to amend section 687-a of the Penal Code, relative to sentencing prisoners" (Int. No. 642), was read the second time.

On motion of Mr. Moreland, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 671) entitled "An act to amend section 85 of chapter 568 of the Laws of 1890, entitled 'An act in relation to highways, constituting chapter 19 of the general laws'" (Int. No. 605), was read the second time.

On motion of Mr. Merritt, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 785) entitled "An act to amend chapter 371 of the Laws of 1896, entitled 'An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this State,' in relation to auction sales" (Int. No. 698), was read the second time.

On motion of Mr. Stevens, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 446) entitled "An act to legalize the special election of the village of Montour Falls, held for the purpose of voting upon the question of raising moneys to carry on the excavation of Catherine creek, and to authorize such village

to issue notes pursuant to a proposition adopted thereat" (Rec. No. 87), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading.

The Senate bill (No. 447) entitled "An act to confirm the election and all proceedings of the voters and board of trustees of the village of Clinton to establish an electric lighting system in said village and for the sale of bonds for that purpose" (Rec. No. 86), was read the second time.

On motion of Mr. Gates, said bill was placed on the order of third reading.

On motion of Mr. Gates, and by unanimous consent, said bill was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 142

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hornidge	Young	Perry
Allen F E	Dale	Hubbs	Phillips	Stanley
Allen J G	Dodd	Hurd	Plank	Steele
Anderson	Donovan	Kavanaugh	Platt	Stevens
Apgar	Dowling	Knapp	Pratt	Sullivan
Bass	Ellis	La Fetra	Prentice	Tenjost
Becker	Etzel	La Rue	Quinn	Thompson G F
Bedell	Freidel	Leggett	Reeve	Thompson J A
Beebe	Everett	Lewis	Reilly	Thonet
Bird	Fish	Maier	Rigby	Tompkins
Bisland	Fitzsimons	Malloy	Rogers	Waddell
Brady	Foelker	Mathews T F	Rosenstein	Wade
Brooks	Foster	Matthews C R	Salomon	Wagner
Burnett	Francisco	McKeown	Sammon	Wadsworth
Burns	Freidel	McManus	Santee	Wainwright
Burzynski	Fuller	Mead	Schoeneck	Wedemeyer
Cadin	Gardner	Merritt	Scovill	West
Cahn	Gates	Miller	Shanahan	Wemple
Callahan	Grady	Monroe	Sheehy	Whitney F G
Carrier	Grattan	Moreland	Sheldon	Whitney G H
Caughlan	Gray	Murphy	Sherry	Wiegand
Charles E E	Gurnett	Newton	Shuttleworth	Wilsnack
Charles W B	Hackett	Nugent	Smith A P	Wilson

Cooke	Hanford	O'Neill	Smith A E	Wolf
Coon	Hapeman	Palmer	Smith J E	Wood F C
Cotton	Hartman	Parker	Smith J T	Wood F X
Coutant	Hastings	Patton	Smith R H	Yale
Cowan	Hooker	Pendry	Standart	Young
Cox	Hooper			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 357) entitled "An act to amend section 1671 of the Code of Civil Procedure, relating to the filing and cancellation of notices of pendency of action" (Rec. No. 51), was read the second time.

On motion of Mr. La Fetra, said bill was placed on the order of third reading.

The bill (No. 493) entitled "An act to amend the Public Health Law in relation to the prosecution of violations of the law, in regard to the practice of medicine" (Int. No. 463), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

Agnew	Dowling	La Fetra	Plank	Steele
Allen F E	Ellis	La Rue	Platt	Stevens
Allen J G	Etzel	Leggett	Prentice	Tenjust
Apgar	Everett	Machacek	Prince	Thompson G F
Becker	Fitzsimons	Maier	Quinn	Thompson J A
Bedell	Foelker	Malloy	Reilly	Thonet
Beebe	Foster	Mathews T F	Rigby	Tompkins
Beihilf	Francisco	Matthews C R	Rogers	Wade
Bird	Freidel	McKeown	Rosenstein	Wagner
Brady	Fuller	McManus	Salomon	Wadsworth
Brooks	Gardner	Mead	Santee	Wainwright
Burns	Gates	Merritt	Schoeneck	Wedemeyer
Burzynski	Grady	Miller	Scovill	West
Cadin	Grattan	Monroe	Shanahan	Wemple
Cahn	Gray	Moreland	Sheehy	Whitney F G
Carrier	Gurnett	Newton	Sheldon	Whitney G H
Charles E E	Hammond	Nugent	Sherry	Wiegand

Charles W B	Hanford	Ogden	Shuttleworth	Wilsnack
Cooke	Hartman	O'Neill	Smith A P	Wilson
Cotton	Hastings	Palmer	Smith A E	Wolf
Coutant	Hooper	Parker	Smith J T	Wood F C
Cowan	Hornidge	Patton	Smith R H	Wood F X
Cunningham	Hubbs	Pendry	Standart	Yale
Dale	Kavanaugh	Perry	Stanley	Young
Donovan	Knapp	Phillips		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 419) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments and sales to the city of New York for assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly" (Int. No. 387), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	Hurd	Perham	Standart
Allen F E	Donovan	Kavanaugh	Perry	Stanley
Allen J G	Dowling	La Fetra	Phillips	Stevens
Apgar	Ellis	La Rue	Plank	Sullivan
Bass	Evans	Leggett	Pratt	Thompson G F
Becker	Everett	Lewis	Prince	Thompson J A
Beebe	Fish	Machacek	Quinn	Thonet
Beihlf	Foelker	Maier	Reeve	Waddell
Bird	Foster	Malloy	Rigby	Wade
Brady	Francisco	Mathews T F	Rogers	Wagner
Burnett	Fuller	Matthews C R	Salomon	Wadsworth
Burns	Gardner	McKeown	Sammon	Wainwright
Burzynski	Gates	McManus	Schoeneck	West
Byrne	Grady	Mead	Scovill	Wemple
Cahn	Gray	Merritt	Shanahan	Whitney F G
Callahan	Gurnett	Miller	Sheehy	Whitney G H
Caughlan	Hammond	Monroe	Sherry	Wilsnack
Charles E E	Hanford	Moreland	Shuttleworth	Wilson
Charles W B	Hapeman	Newton	Slocum	Wolf
Coon	Hartman	Nugent	Smith A E	Wood F C
Cotton	Hooker	Ogden	Smith J E	Wood F X
Cowan	Hooper	Palmer	Smith J T	Yale
Cox	Hornidge	Parker	Smith R H	Young
Cunningham	Hubbs	Patton		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 454) entitled "An act to empower the board of assessors of the city of New York to estimate and allow damages sustained by owners of real property fronting upon streets and avenues approaching the bridge over the Gowanus canal at Hamilton avenue, borough of Brooklyn, in the city of New York" (Int. No. 425), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 121

NOES 00

Those who voted in the affirmative were:

Agnew	Dowling	La Rue	Plank	Stanley
Allen F E	Etzel	Leggett	Pratt	Steele
Allen J G	Evans	Lewis	Prentice	Sullivan
Anderson	Everett	Machacek	Prince	Tenjest
Apgar	Fish	Maier	Reeve	Thompson G F
Bass	Fitzsimons	Malloy	Reilly	Thompson J A
Bedell	Foelker	Mathews T F	Rigby	Tompkins
Beebe	Francisco	Mathews C R	Rosenstein	Waddell
Beihlf	Freidel	Miller	Salomon	Wade
Bisland	Gardner	McKeown	Santee	Wagner
Brady	Gates	McManus	Schoeneck	Wadsworth
Burnett	Grady	Mead	Scovill	Wainwright
Burns	Grattan	Merritt	Shanahan	West
Burzynski	Gurnett	Miller	Sheehy	Wemple
Cadin	Hackett	Moreland	Sheldon	Whitney F G
Callahan	Hammond	Murphy	Sherry	Whitney G H
Carrier	Hapeman	Nugent	Shuttleworth	Wiegand
Caughlan	Hartman	Ogden	Slocum	Wilsnack
Charles W B	Hooker	O'Neill	Smith A P	Wilson
Cooke	Hooper	Palmer	Smith A E	Wolf
Cotton	Hornidge	Parker	Smith J E	Wood F C
Cowan	Hurd	Pendry	Smith J T	Wood F X
Cox	Kavanaugh	Perham	Smith R H	Yale
Dale	Knapp	Phillips	Standart	Young
Donovan				

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 820) entitled "An act to amend the Forest, Fish



and Game Law in relation to pike in the counties of Oneida, Madison, Oswego and Onondaga" (Int. No. 534), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Hurd	Perham	Smith R H
Allen F E	Cunningham	Kavanaugh	Perry	Standart
Allen J G	Dale	Knapp	Phillips	Steele
Apgar	Donovan	La Rue	Plank	Stevens
Bass	Ellis	Leggett	Platt	Sullivan
Becker	Etzel	Lewis	Pratt	Tenjust
Beebe	Everett	Machacek	Prentice	Thompson G F
Beihilf	Fish	Maier	Prince	Thompson J A
Bird	Fitzsimons	Malloy	Quinn	Thonet
Bisland	Foelker	Mathews T F	Reeve	Waddell
Brady	Foster	Matthews C R	Reilly	Wade
Brooks	Francisco	McKeown	Rigby	Wagner
Burnett	Freidel	McManus	Rogers	Wainwright
Burns	Gardner	Mead	Rosenstein	Wedemeyer
Byrne	Gates	Merritt	Santee	West
Cadin	Grady	Miller	Schoeneck	Wemple
Cahn	Grattan	Monroe	Scovill	Whitney F G
Callahan	Gurnett	Moreland	Shanahan	Wiegand
Carrier	Hammond	Newton	Sheehy	Wilsnack
Caughlan	Hanford	Nugent	Sherry	Wolf
Charles E E	Hapeman	Ogden	Shuttleworth	Wood F C
Charles W B	Hastings	O'Neill	Slocum	Wood F X
Cooke	Hooker	Palmer	Smith A P	Yale
Cotton	Hornidge	Patton	Smith A H	Young
Coutant	Hubbs	Pendry	Smith J T	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 815) entitled "An act to provide for clearing out the obstruction from the outlet of Parker's pond, in the town of Cato, county of Cayuga, and for paying the cost thereof" (Int. No. 510), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 122

NOES 00

Those who voted in the affirmative were:

Agnew	Etzel	Lewis	Platt	Steele
Allen F E	Everett	Maier	Prentice	Stevens
Allen J G	Fitzsimons	Malloy	Prince	Sullivan
Anderson	Foster	Mathews T F	Reeve	Tenjust
Bass	Francisco	Matthews C R	Reilly	Thompson G F
Becker	Freidel	McKeown	Rigby	Thompson J A
Bedell	Fuller	McManus	Rogers	Thonet
Beihilf	Gardner	Mead	Rosenstein	Tompkins
Bisland	Gates	Merritt	Salomon	Waddell
Brady	Grady	Miller	Santee	Wade
Burnett	Gray	Monroe	Schoeneck	Wagner
Burns	Gurnett	Moreland	Scovill	Wadsworth
Byrne	Hammond	Murphy	Shanahan	Wainwright
Cahn	Hanford	Newton	Sheehy	West
Carrier	Hartman	Nugent	Sheldon	Wemple
Caughlan	Hastings	Ogden	Sherry	Whitney F G
Charles W B	Hooker	O'Neill	Shuttleworth	Whitney G H
Cooke	Hornidge	Palmer	Slocum	Wiegand
Cotton	Hubbs	Parker	Smith A P	Wilson
Coutant	Hurd	Patton	Smith A E	Wolf
Cox	Kavanaugh	Perham	Smith J E	Wood F C
Dale	Knapp	Perry	Smith R H	Wood F X
Dodd	La Fetra	Phillips	Standart	Yale
Dowling	La Rue	Plank	Stanley	Young
Ellis	Leggett			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 520) entitled "An act to legalize, ratify and confirm certain contracts executed by a board of supervisors with the authorities of the county of Kings for the reception into the penitentiary of said county of persons sentenced to imprisonment in a county jail or penitentiary, and to authorize the payment of claims arising thereunder" (Int. No. 478), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	Hubbs	Parker	Smith J T
Allen F E	Donovan	Hurd	Patton	Smith R H
Allen J G	Dowling	Kavanaugh	Pendry	Stanley
Anderson	Ellis	Knapp	Perry	Steele
Apgar	Etzel	La Fetra	Phillips	Stevens
Becker	Evans	Leggett	Platt	Tenjost
Beebe	Everett	Lewis	Pratt	Thompson G F
Beihilf	Fitzsimons	Machacek	Prince	Thompson J A
Bisland	Foelker	Maier	Quinn	Thonet
Brooks	Foster	Malloy	Reeve	Waddell
Burnett	Francisco	Mathews T F	Rigby	Wade
Burns	Freidel	Matthews C R	Rogers	Wagner
Burzynski	Gardner	McKeown	Rosenstein	Wadsworth
Cadin	Gates	McManus	Salomon	Wainwright
Cahn	Grady	Mead	Sammon	West
Carrier	Grattan	Merritt	Santee	Wemple
Caughlan	Gray	Miller	Schoeneck	Whitney F G
Charles F E	Gurnett	Monroe	Scovill	Whitney G H
Charles W B	Hackett	Moreland	Shanahan	Wiegand
Coon	Hammond	Murphy	Sheehy	Wilsnack
Cotton	Hanford	Newton	Sheldon	Wolf
Coutant	Hartman	Nugent	Shuttleworth	Wood F C
Cowan	Hooker	Ogden	Slocum	Wood F X
Cunningham	Hooper	O'Neill	Smith A P	Yale
Dale	Hornidge	Palmer	Smith A E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 361) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York, and directing the comptroller to mark such assessments accordingly" (Int. No. 361), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 117

NOES 00

Those who voted in the affirmative were:

Agnew	Dowling	Hurd	Palmer	Standart
Allen F E	Etzel	Kavanaugh	Patton	Steele
Allen J G	Evans	Knapp	Pendry	Sullivan
Anderson	Fish	La Fetra	Perham	Tenjost
Apgar	Fitzsimons	La Rue	Phillips	Thompson G F
Becker	Foelker	Leggett	Plank	Thompson J A
Bedell	Foster	Lewis	Platt	Tompkins
Beihlf	Francisco	Machacek	Prentice	Waddell
Bird	Fuller	Maier	Prince	Wade
Bisland	Freidel	Malloy	Reeve	Wagner
Brooks	Gardner	Mathews T F	Rigby	Wadsworth
Burnett	Gates	Matthews C R	Rogers	Wainwright
Burzynski	Grady	McKeown	Salomon	West
Cadin	Grattan	McManus	Sammon	Wemple
Cahn	Gray	Mead	Schoeneck	Whitney F G
Callahan	Gurnett	Merritt	Shanahan	Whitney G H
Carrier	Hackett	Miller	Sheehy	Wiegand
Charles W B	Hammond	Monroe	Sheldon	Wilson
Cooke	Hanford	Murphy	Shuttleworth	Wolf
Cotton	Hapeman	Newton	Slocum	Wood F C
Coutant	Hartman	Nugent	Smith A E	Wood F X
Cox	Hooker	Ogden	Smith J E	Yale
Cunningham	Hornidge	O'Neill	Smith R H	Young
Dodd	Hubbs			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 624) entitled "An act to assess on the property benefited the cost and expense of constructing a bridge over the railroad tracks on Bronson avenue, in the city of Rochester" (Int. No. 561), having been announced for a third reading,

On motion of Mr. Hornidge, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

The Senate bill (No. 254) entitled "An act to amend chapter 173 of the Laws of 1895, entitled 'An act fixing the fiscal year, providing for a county auditor, and regulating the purchase of supplies for the county institutions and officers of the county of Erie, relative to the office of the county auditor'" (Rec. No. 49), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hubbs	Perry	Smith R H
Allen F E	Dodd	Kavanaugh	Phillips	Standart
Allen J G	Donovan	Knapp	Plank	Stanley
Anderson	Dowling	La Fetra	Platt	Steele
Apgar	Ellis	La Rue	Pratt	Stevens
Bass	Etsel	Leggett	Prentice	Sullivan
Bedell	Evans	Lewis	Prince	Tenjost
Beebe	Everett	Machacek	Quinn	Thompson G F
Beihilf	Fish	Maier	Reeve	Thompson J A
Bird	Fitzsimons	Malloy	Reilly	Thonet
Bisland	Foelker	Mathews T F	Rigby	Tompkins
Brady	Foster	Matthews C R	Rogers	Waddell
Burnett	Francisco	McKeown	Rosenstein	Wade
Burns	Freidel	McManus	Salomon	Wagner
Burzynski	Fuller	Mead	Sammon	Wadsworth
Byrne	Gardner	Merritt	Santee	Wainwright
Cadin	Gates	Miller	Schoeneck	Wedemeyer
Cahn	Grady	Monroe	Scovill	West
Callahan	Grattan	Moreland	Shanahan	Wemple
Carrier	Gray	Murphy	Sheehy	Whitney G H
Caughlan	Gurnett	Newton	Sheldon	Wiegand
Charles E E	Hackett	Nugent	Sherry	Wilsnack
Charles W B	Hammond	Ogden	Shuttleworth	Wilson
Cooke	Hanford	O'Neill	Slocum	Wolf
Coon	Hapeman	Palmer	Smith A P	Wood F C
Cotton	Hartman	Parker	Smith A E	Wood F X
Cowan	Hastings	Patton	Smith J E	Yale
Cox	Hooker	Pendry	Smith J T	Young
Cunningham	Hornidge	Perham		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 282) entitled "An act to amend the Greater New York charter by exempting from levy and sale by virtue of an execution all pensions or annuities payable out of the public school teachers' retirement fund" (Rec. No. 48), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 138

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hapeman	Nugent	Smith J E
Allen F E	Cowan	Hartman	Ogden	Smith R H
Allen J G	Cox	Hastings	O'Neill	Stanley
Anderson	Cunningham	Hooker	Palmer	Steele
Apgar	Dale	Hooper	Parker	Sullivan
Bass	Dodd	Hornidge	Patton	Tenjest
Becker	Donovan	Hubbs	Pendry	Thompson G F
Bedell	Dowling	Hurd	Perham	Thompson J A
Beebe	Ellis	Kavanaugh	Perry	Tompkins
Beihliff	Etzel	Knapp	Phillips	Waddell
Bird	Evans	La Fetra	Plank	Wade
Bisland	Everett	La Rue	Platt	Wagner
Brady	Fish	Leggett	Pratt	Wadsworth
Brooks	Fitzsimons	Lewis	Prentice	Wainwright
Burnett	Foelker	Machacek	Prince	Wedemeyer
Burns	Foster	Maier	Quinn	West
Burzynski	Francisco	Malloy	Reeve	Wemple
Byrne	Freidel	Mathews T F	Reilly	Whitney F G
Cadin	Fuller	Matthews C R	Rogers	Whitney G H
Cahn	Gardner	McKeown	Salomon	Wiegand
Callahan	Gates	McManus	Sammon	Wilsnack
Carrier	Grady	Mead	Schoeneck	Wilson
Caughlan	Grattan	Merritt	Scovill	Wolf
Charles E E	Gray	Miller	Sheehy	Wood F C
Charles W B	Gurnett	Monroe	Sherry	Wood F X
Cooke	Hackett	Moreland	Slocum	Yale
Coon	Hammond	Murphy	Smith A P	Young
Cotton	Hanford	Newton		

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 155) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the department of public instruction" (Rec. No. 17), having been announced for a third reading,

On motion of Mr. La Fetra, and by unanimous consent, said bill was ordered placed on the third reading calendar for Monday next.

Mr. La Fetra presented the petition of Eugene Schewi in relation to Assembly bill No. 1097 (Int. No. 917), which was referred to the committee on claims.

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same with out amendment:

“An act to amend chapter 200 of the Laws of 1903, entitled ‘An act to make the office of county clerk of Livingston county a salaried office, and regulating the management of said office,’ in relation to the appointment of clerks.” (No. 586, Int. No. 542.)

“An act to continue and extend the charter of the Suffolk County Mutual Insurance Company.” (No. 178, Int. No. 177.)

Ordered, That the Clerk deliver said bills to the Governor.

“An act to amend chapter 580 of the Laws of 1902, entitled ‘An act in relation to the municipal court of the city of New York, its officers and marshals,’ relative to actions brought to recover a penalty or penalties for the violation of any laws or ordinance.” (No. 547, Int. No. 372.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of New York.

On motion of Mr. Burnett, the House adjourned.

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### MONDAY, MARCH 6, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Thomas D. Anderson.

On motion of Mr. Rogers the reading of the journal of Friday, March 3, 1905, was dispensed with and the same was approved.

Mr. Speaker presented the annual report of the State Department of Health, which was laid upon the table and ordered printed.

(See Document.)

Also, the forty-sixth annual report of the Superintendent of Insurance, which was laid upon the table and ordered printed.

(See Document.)

The privileges of the floor were extended to Hons. Joseph Cook and Cyrus Gale.

Mr. Perham was excused until the 13th inst., and Mr. Wainwright for the evening.

The Senate sent for concurrence the following entitled bills:

“Concurrent resolution of the Senate and Assembly proposing amendment to article 7 of the Constitution, relating to improvement of highways” (No. 163, Rec. No. 106), which was read the first time and referred to the committee on internal affairs.

“An act to amend chapter 38 of the general laws, known as the Insurance Law, being chapter 690 of the Laws of 1892, relative to town and county co-operative corporations” (No. 339, Rec. No. 108), which was read the first time and referred to the committee on insurance.

“An act to amend Insurance Law, in relation to the assets and liabilities of casualty insurance corporations” (No. 553, Rec. No. 109), which was read the first time and referred to the committee on insurance.

“An act to provide for the safety of passengers and for protection against fire on excursion boats” (No. 546, Rec. No. 110), which was read the first time and referred to the committee on commerce and navigation.

“An act to amend the Railroad Law, in relation to the protection of street railroad employees in Manhattan and Brooklyn” (No. 205, Rec. No. 111), which was read the first time and referred to the committee on railroads.

“An act to consolidate the consolidated corporation now existing under the name of The Mohawk and Hudson River Humane Society with the corporations known as The Saratoga Society for the Prevention of Cruelty to Children and The Columbia County Society for the Prevention of Cruelty to Children, and to define the powers and duties of the corporation as so consolidated” (No. 392, Rec. No. 112), which was read the first time and referred to the committee on charitable and religious societies.

“An act to amend chapter 689 of the Laws of 1892, entitled ‘An act in relation to banking corporations’” (No. 545, Rec.

No. 113), which was read the first time and referred to the committee on banks.

"An act amending section 165 of the Town Law, relating to fees of officers in criminal proceedings" (No. 512, Rec. No. 114), which was read the first time and referred to the committee on internal affairs.

"An act to amend chapter 195 of the Laws of 1884, entitled 'An act to amend chapter 140 of the Laws of 1853, entitled "An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and to enlarge the powers of the corporation of said village" and the several acts amendatory thereof,' generally" (No. 543, Rec. No. 115), which was read the first time and referred to the committee on affairs of villages.

Mr. Burns introduced a bill entitled "An act to amend the Railroad Law in relation to consents and franchises" (Int. No. 920), which was read the first time and referred to the committee on railroads.

Mr. Fish introduced a bill entitled "An act to provide for the repair of certain highways, and to repair damage to certain highways in Madison county, caused by the overflow of water from State reservoirs and making an appropriation therefor" (Int. No. 921), which was read the first time and referred to the committee on ways and means.

Mr. Foster introduced a bill entitled "An act for the extension and improvement of the channel of the Black River canal and making an appropriation therefor out of revenues derived from the county and State excise tax fund" (Int. No. 922), which was read the first time and referred to the committee on ways and means.

Mr. Hammond introduced a bill entitled "An act to amend section 383 of the Code of Civil Procedure, relative to the statute of limitations in certain actions" (Int. No. 923), which was read the first time and referred to the committee on codes.

Mr. Plank introduced a bill entitled "An act to amend the Penal Code, relative to ice bridges and ice cuttings" (Int. No.

924), which was read the first time and referred to the committee on codes.

Mr. Grattan introduced a bill entitled "An act to provide for the improvement of Dry river by the lowering of the present rock channel at the mouth of the Thirteenth street culvert, in the city of Watervliet, and making an appropriation therefor" (Int. No. 925), which was read the first time and referred to the committee on ways and means.

Mr. Mead introduced a bill entitled "An act to repeal article 4 of the Navigation Law relating to the port of Albany" (Int. No. 926), which was read the first time and referred to the committee on commerce and navigation.

Mr. Reeve introduced a bill entitled "An act to provide for the surveying and preparing plans and estimates of cost to improve the waterways between Great South Bay and Shinnecock Bay so as to make the same navigable for boats of not less than six feet draft, and making an appropriation therefor" (Int. No. 927), which was read the first time and referred to the committee on ways and means.

Mr. Mead introduced a bill entitled "An act to amend the Lien Law, relative to conditional sales of ensilage cutters, feed cutters, cash registers" (Int. No. 928), which was read the first time and referred to the committee on general laws.

Mr. Foelker introduced a bill entitled "An act to authorize the comptroller of the city of New York, in his discretion, to examine into the facts concerning the services rendered by William McQuillan and Charles Haggerty as clerk and stenographer respectively in connection with the city magistrate's court, fourth district, second division, borough of Brooklyn, city of New York" (Int. No. 929), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act for the better protection and security of policyholders and the holders of annuity bonds in life insurance companies by amending the Insurance Law" (Int. No. 930), which was read the first time and referred to the committee on insurance.



Also, a bill entitled "An act to regulate the price of illuminating and fuel gas in the borough of Brooklyn, city of New York" (Int. No. 931), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Evans introduced a bill entitled "An act to authorize the removal of lock No. 1 of the Black river canal to a point north of Dominick street, in the city of Rome, and the construction of a bridge, and making an appropriation therefor" (Int. No. 932), which was read the first time and referred to the committee on affairs of cities.

Mr. G. H. Whitney introduced a bill entitled "An act to amend the Insurance Law, in relation to the duty of life insurance corporations" (Int. No. 933), which was read the first time and referred to the committee on insurance.

Mr. Tenjost introduced a bill entitled "An act to regulate the price of manufactured gas in the city of Buffalo" (Int. No. 934), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. O'Neil introduced a bill entitled "An act to locate and designate a site for a public library in the Borough of Brooklyn upon lands owned by the city of New York" (Int. No. 935), which was read the first time and referred to the committee on affairs of cities.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to amend the Forest, Fish and Game Law, in relation to taking fish through the ice in the town of North East, Dutchess county." (No. 265, Int. No. 265.)

"An act to amend the Forest, Fish and Game Law, relative to close season for lake trout in Putnam county." (No. 885, Int. No. 771.)

"An act to amend the Real Property Law, in relation to the authentication of conveyances executed outside of the State of New York and within the United States." (No. 683, Int. No. 617.)

"An act to terminate the existence of the fire department of the second school district of the town of Glenville, Schenectady county, N. Y., and to transfer the property thereof to the village of Scotia, N. Y., and to afford fire protection for the said school district by the fire department of said village of Scotia, N. Y., and to compensate said village for the same." (No. 793, Int. No. 707.)

"An act to amend the Forest, Fish and Game Law, in relation to the placing of carp in certain waters." (No. 499, Int. No. 469.)

"An act to amend the Village Law, in relation to the payment of expenses of incorporation." (No. 739, Int. No. 658.)

"An act in relation to the use of the flag of the United States of America." (No. 95, Int. No. 95.)

"An act to provide for the repair and improvement of existing mechanical and other structures and works on and connected with the canals of this State." (No. 767, Int. No. 679.)

"An act to amend chapter 371 of the Laws of 1896, entitled 'An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this State,' in relation to auction sales." (No. 785, Int. No. 698.)

"An act to amend section 85 of chapter 568 of the Laws of 1890, entitled 'An act in relation to highways, constituting chapter 19 of the general laws.'" (No. 671, Int. No. 605.)

"An act to amend the Tax Law, in relation to the expense of publishing notices to redeem from county tax sales." (No. 554, Int. No. 505.)

"An act to enable the county of Erie and the town of Grand Island to construct a bridge from the town of Grand Island across the east branch of Niagara river to the mainland, and to issue bonds therefor." (No. 133, Int. No. 133.)

"An act to amend the Penal Code, relative to the sale and possession of dangerous weapons." (No. 1017, Rec. No. 38.)

"An act to amend chapter 308 of the Laws of 1904, entitled 'An act relating to the issue of bonds for street improvements in the village of Saranac Lake, county of Franklin,' relative to

the issue of bonds for the extension and improvement of the sewer and water systems.” (No. 874, Int. No. 759.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 788) entitled “An act to amend section 3347 of the Code of Civil Procedure, by adding thereto a new subdivision, to be known as subdivision 15 in relation to the meaning of the term justice of the peace as used in sections 948, 949, 950 and 951 of said code” (Int. No. 701), reported the same with the following recommendations:

Amend the title to read as follows:

“An act to amend the code of civil procedure, in relation to the meaning of the term justice of the peace.”

Page 1, line 2, insert a comma after the word “procedure.”

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 722) entitled “An act to amend section 687-a of the Penal Code relative to sentencing prisoners” (Int. No. 642), reported the same with the following recommendations:

Amend the title to read as follows:

“An act to amend the penal code, relative to sentencing prisoners.”

Page 1, strike out all of line 2, except the first word “code.”

Same page, line 3, strike out the words “laws of nineteen hundred and two” and the words “so as.”

Page 2, line 12, strike out the word “or” and insert the word “for.”

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed.

"An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York and directing the comptroller to make such assessments accordingly." (No. 753, Int. No. 665.)

"An act to amend chapter 463 of the Laws of 1904, entitled 'An act authorizing the flushing of paved streets within the city of Auburn, and providing the method and means of payment therefor.'" (No. 888, Int. No. 774.)

"An act to authorize the commissioners of the sinking fund of the city of New York to change a certain lease made by mayor, aldermen and commonalty of the city of New York, to the Hahnemann Hospital of the city of New York to a grant to the said The Hahnemann Hospital of the city of New York, and to authorize the sale and lease or mortgage of the property covered thereby, by the said The Hahnemann Hospital of the city of New York." (No. 752, Int. No. 664.)

"An act to amend chapter 44 of the Laws of 1853, entitled 'An act for the better support of the poor in the town of Newburgh in the county of Orange,' in relation to the corporate name and terms of the commissioners of the almshouse." (No. 812, Int. No. 382.)

"An act to legalize and confirm the proceedings of 'the board of education of the village of Salem,' and legal voters of union free school district No. 12 of the town of Salem, Washington county, relative to the levy of a tax payable in installments and the issuance and sale of certain school bonds of said district." (No. 766, Int. No. 678.)

"An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York." (No. 635, Int. No. 171.)

"An act providing for the use of park lands in the city of Buffalo, for a pumping station in connection with the public waterworks in said city." (No. 773, Int. No. 685.)

"An act to legalize and validate certain acts of the electors of the town of Oswegatchie, St. Lawrence county, N. Y., the town

officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town." (No. 908, Rec. No. 4.)

"An act to amend the Revised Statutes relative to the parole of prisoners." (No. 721, Int. No. 641.)

"An act to provide for the extension of Exterior street from East Eighty-first street to East Eighty-second street in the Borough of Manhattan, city of New York." (No. 903, Int. No. 399.)

"An act to amend the Military Code, relative to armories." (No. 471, Int. No. 442.)

"An act to amend the Agricultural Law, relative to foods adulterated with methyl or wood alcohol." (No. 926, Int. No. 370.)

"An act to amend the Penal Code, relative to the desecration, mutilation or improper use of the flag of the United States, or of this State." (No. 923, Int. No. 96.)

"An act to provide for the appointment of a commission to investigate the matter of disputed title to lands claimed by the State in counties containing portions of the Forest Preserve." (No. 490, Int. No. 460.)

"An act to amend the Public Health Law, relative to the use of methyl or wood alcohol for adulterative purposes." (No. 925, Int. No. 369.)

"An act creating a commission to investigate the condition of certain marshes in the vicinity of Staten Island, as affecting the public health, or the property values and other interests of Staten Island." (No. 575, Int. No. 528.)

"An act to authorize the city of Buffalo to convey by quit-claim deed to the Delaware, Lackawanna and Western Railroad Company and the New York, Lackawanna and Western Railway Company a part of Liberty street in said city." (No. 709, Int. No. 629.)

"An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the New York State Institution



for the Blind, and to provide for its management,' relative to the bond of the treasurer of the New York State School for the Blind." (No. 927, Int. No. 455.)

"An act to authorize the issuance and sale of bonds of the town of Greenburgh, in the county of Westchester, N. Y., in the aggregate principal sum of \$225,500 to provide for the expense of repairing, grading and macadamizing certain roads and highways in said town, to provide for security to be given by the supervisor of said town, and to provide for the raising of taxes to pay the principal and interest on said bonds as the same become due." (No. 906, Int. No. 459.)

"An act to amend chapter 665 of the Laws of 1897, entitled 'An act to lay out and establish and construct a public drive and parkway in the city of New York as an extension of Riverside drive to the Boulevard LaFayette,' relative to assessments of damages." (No. 523, Int. No. 481.)

"An act to amend the Religious Corporations Law, relative to the removal of remains from cemeteries and church grounds." (No. 924, Int. No. 244.)

"An act to amend chapter 478 of the Laws of 1893, entitled 'An act to incorporate the city of Olean,' in relation to commitments to the Erie county penitentiary." (No. 846, Int. No. 748.)

"An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof—relative to building and maintaining of sidewalks and curbing, and the cost thereof." (No. 551, Int. No. 501.)

"An act to amend the Code of Civil Procedure, in relation to the fees of constables and deputy sheriffs in Ontario county." (No. 539, Int. No. 258.)

"An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville, and to repeal certain acts,' relative to the removal of garbage and refuse matter, and raising money therefor." (No. 740, Int. No. 659.)

"An act to amend chapter 550 of the Laws of 1903, entitled 'An act to amend chapter 537 of the Laws of 1901, entitled "An act to amend chapter 687 of the Laws of 1894, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westchester county and to prescribe the effect thereof, to provide for the support of the prisoners in the jail of Westchester county and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,' " as amended by chapter 420 of the Laws of 1895 and by chapter 310 of the Laws of 1899, relative to the powers and duties of sheriff." (No. 682, Int. No. 616.)

"An act to amend chapter 269 of the Laws of 1902, entitled 'An act to incorporate the city of Pittsburgh,' in relation to salary of commissioner of charities." (No. 830, Int. No. 731.)

"An act to amend chapter 160 of the Laws of 1900, entitled 'An act to incorporate the city of Cortland,' relative to revising certain sections of the charter." (No. 590, Int. No. 536.)

The bill (No. 803) entitled "An act compelling steamboat corporations to provide transfer facilities for passengers " (Int. No. 717), was read the second time.

On motion of Mr. Rigby, said bill was placed on the order of third reading.

On motion of Mr. Mead, said bill was recommitted to the committee on commerce and navigation, retaining its place on the order of third reading.

The bill (No. 659) entitled "An act to amend the Village Law, in relation to village elections " (Int. No. 592), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 742) entitled "An act authorizing and directing the Comptroller to readjust and resettle the accounts of certain trust companies for taxes paid under section 187-a of the Tax Law for the years ending June 30, 1901 and 1902 " (Int. No. 661), was read the second time.

On motion of Mr. O'Neill, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 624) entitled "An act to assess on the property benefited the cost and expense of constructing a bridge over the railroad tracks on Bronson avenue in the city of Rochester" (Int. No. 561), having been announced for a third reading,

Mr. Callahan moved that said bill be recommitted to the committee on affairs of cities, with instructions to report the same forthwith amended as follows:

Page 2, line 20, strike out the word "southerly" and insert in place thereof the word "northerly."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Burnett, from the committee on affairs of cities, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The bill (No. 765) entitled "An act to amend the Membership Corporations Law, relating to taxation of lot owners by the cemetery corporations" (Int. No. 677), was read the second time.

On motion of Mr. Parker, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 572) entitled "An act to amend the Banking Law in relation to the impairment of capital and making assessment to make good such impairment" (Int. No. 523), having been announced for a second reading,

On motion of Mr. J. T. Smith, said bill was recommitted to the committee on banks, retaining its place on the order of second reading.

The bill (No. 223) entitled "An act to amend the Transportation Corporations Law in respect to water works corporations" (Int. No. 204), was read the second time.

On motion of Mr. Callahan, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 155) entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter

of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the department of public instruction" (Rec. No. 17), having been announced for a third reading,

On motion of Mr. Cox, said bill was recommitted to the committee on affairs of cities, retaining its place on the order of third reading.

The Senate bill (No. 446) entitled "An act to legalize the special election of the village of Montour Falls, held for the purpose of voting upon the question of raising moneys to carry on the excavation of Catherine creek, and to authorize such village to issue notes pursuant to a proposition adopted thereat" (Rec. No. 87), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 137

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Kavanaugh	Perry	Standart
Allen F E	Dale	Knapp	Phillips	Stanley
Allen J G	Dodd	La Fetra	Plank	Steele
Anderson	Donovan	La Rue	Platt	Stevens
Apgar	Dowling	Leggett	Pratt	Sullivan
Bass	Ellis	Lewis	Prentice	Tenjost
Becker	Etzel	Machacek	Quinn	Thompson G F
Beebe	Evans	Maier	Reeve	Thompson J A
Beihlf	Fitzsimons	Malloy	Reilly	Thonet
Bird	Fish	Mathews T F	Rigby	Tompkins
Brady	Foelker	Mathews C R	Rogers	Waddell
Brooks	Foster	McKeown	Rosenstein	Wade
Burnett	Francisco	McManus	Salomon	Wadsworth
Burns	Freidel	Mead	Sammon	Wainwright
Burzynski	Fuller	Merritt	Santee	Wedemeyer
Byrne	Gardner	Miller	Schoeneck	West
Cadin	Gates	Moreland	Scovill	Wemple
Cahn	Grady	Murphy	Shanahan	Whitney F G
Callahan	Grattan	Newton	Sheehy	Whitney G H
Carrier	Gray	Nugent	Sheldon	Wiegand
Caughlan	Gurnett	Ogden	Sherry	Wilsnack
Charles E E	Hammond	O'Neill	Shuttleworth	Wilson
Cooke	Hapeman	Palmer	Slocum	Wolf

Coon	Hartman	Parker	Smith A P	Wood F C
Cotton	Hastings	Patton	Smith J E	Wood F X
Coutant	Hooper	Pendry	Smith J T	Yale
Cowan	Hubbs	Perham	Smith R H	Young
Cox	Hurd			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate bill (No. 357) entitled "An act to amend section 1671 of the Code of Civil Procedure, relating to the filing and cancellation of notices of pendency of action" (Rec. No. 51), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 136

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hubbs	Perham	Smith R H
Allen F E	Dale	Hurd	Perry	Standart
Allen J G	Dodd	Kavanaugh	Plank	Stanley
Anderson	Donovan	Knapp	Platt	Steele
Apgar	Dowling	La Rue	Pratt	Stevens
Bass	Etsel	Leggett	Prentice	Sullivan
Becker	Evans	Lewis	Prince	Thompson G F
Bedell	Everett	Machacek	Quinn	Thompson J A
Beihilf	Fish	Maier	Reeve	Thonet
Bird	Fitzsimons	Malloy	Reilly	Tompkins
Bisland	Foelker	Mathews T F	Rigby	Waddell
Brady	Francisco	Matthews C R	Rogers	Wade
Brooks	Freidel	McKeown	Rosenstein	Wagner
Burnett	Fuller	McManus	Salomon	Wadsworth
Burns	Gates	Mead	Sammon	Wainwright
Burzynski	Grady	Merritt	Santee	Wedemeyer
Byrne	Gray	Miller	Schoeneck	West
Cadin	Gurnett	Moreland	Scovill	Wemple
Cahn	Hackett	Murphy	Sheehy	Whitney F G
Callahan	Hammond	Newton	Sheldon	Whitney G H
Carrier	Hanford	Nugent	Sherry	Wilsnack
Caughlan	Hapeman	Ogden	Shuttleworth	Wilson
Charles E E	Hartman	O'Neill	Slocum	Wolf
Charles W B	Hastings	Palmer	Smith A P	Wood F C
Coon	Hooker	Parker	Smith A E	Wood F X
Cotton	Hooper	Patton	Smith J E	Yale
Coutant	Hornidge	Pendry	Smith J T	Young
Cox				



Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same.

By unanimous consent,

Mr. Dowling called up the Senate bill (No. 276) entitled "An act in relation to the abolishment and removal of the Kings county penitentiary" (Rec. No. 22), heretofore laid aside on the order of third reading.

Mr. Dowling moved that said bill be recommitted to the committee on affairs of cities, with instructions to report the same forthwith amended as follows:

Page 2, line 8, after the word "made" insert the words "to be approved by the state commission of prisons."

Same page, line 10, after the words "New York" insert the words "to be known as the New York city penitentiary;" also, after the word "or" insert the words "shall erect, furnish, and complete."

Same page, line 20, after the word "penitentiary" insert the words "to the new city penitentiary or new additions above provided for, or."

Page 3, line 18, after the word "courts" strike out the words "in the county."

Same page, line 19, strike out the words "of Kings."

Mr. Speaker put the question whether the House would agree to said motion and it was determined in the affirmative.

Mr. Burnett, from the committee on affairs of cities, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

By unanimous consent, Mr. Cox offered for the consideration of the House a resolution, in the words following:

Whereas, It appears from investigations recently made by the Senate of the United States, and otherwise, that polygamy still exists in certain places in the United States notwithstanding prohibitory statutes enacted by the several States thereof, and

Whereas, The practice of polygamy is generally condemned by the people of the United States and there is a demand for the more effectual prohibition thereof by placing the subject

under Federal jurisdiction and control, at the same time reserving to each State the right to make and enforce its own laws relating to marriage and divorce; now, therefore,

Resolved (if the Senate concur), That application be and hereby is made to Congress, under the provisions of article five of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States whereby polygamy and polygamous cohabitation shall be prohibited, and Congress shall be given power to enforce such prohibition by appropriate legislation.

Resolved, That the Legislatures of all other States of the United States, now in session or when next convened, be and they hereby are respectfully requested to join in this application by the adoption of this or an equivalent resolution.

Resolved further, That the Secretary of State be and he hereby is directed to transmit copies of this application to the Senate and House of Representatives of the United States, and to the several members of said bodies representing this State therein; also to transmit copies hereof to the Legislatures of all other States of the United States.

Which was read and referred to the committee on federal relations.

Mr. Grattan offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 3, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (Int. No. 3), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Grattan offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That Assembly bill No. 145, entitled "An act to amend chapter 975 of the Laws of 1895,

entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town" (Int. No. 2), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

A communication was received from Hon. J. Emil Johnson, mayor of the city of Jamestown, returning Assembly bill No. 27, entitled "An act to amend chapter 17 of the Laws of 1903, entitled 'An act to authorize the city of Jamestown to acquire and maintain a water supply system,' in relation to the compensation which may be paid to the treasurer of the city of Jamestown for his services in receiving water rents" (Int. No. 27), with a message that said mayor and the common council of said city, after a public hearing thereon, do approve said bill and accept the same.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Rogers, the House adjourned.

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## TUESDAY, MARCH 7, 1905.

The House met pursuant to adjournment.

Prayer by Rev. A. H. Lucas.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

The privileges of the floor were granted to Messrs. George E. Town, George Nixon and Joseph J. Green.

The Senate sent for concurrence the following entitled bills:

"An act to amend chapter 550 of the Laws of 1903, entitled 'An act to amend chapter 537 of the Laws of 1901, entitled "An

act to amend chapter 687 of the Laws of 1894, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail of Westchester county and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,' " as amended by chapter 420 of the Laws of 1895 and by chapter 310 of the Laws of 1899, relative to the powers and duties of sheriff " (No. 388, Rec. No. 107), which was read the first time and referred to the committee on internal affairs.

"An act to amend chapter 38 of the general laws, known as the Insurance Law, and to add an additional section thereto, to be known as section 59 " (No. 287, Rec. No. 116), which was read the first time and referred to the committee on insurance.

"An act to amend the Code of Civil Procedure relative to the disclosure of information acquired by physicians and nurses tending to show the commission of crimes of which children under sixteen have been victims " (No. 505, Rec. No. 117), which was read the first time and referred to the committee on codes.

Mr. Brooks introduced a bill entitled "An act to authorize the city of Buffalo to issue its bonds for the purpose of raising money to erect and maintain a new public market building on premises owned by said city " (Int. No. 936), which was read the first time and referred to the committee on affairs of cities.

Mr. W. B. Charles introduced a bill entitled "An act to repeal chapter 20 of the Laws of 1894, entitled 'An act to provide for the better administration of justice in the town of Mohawk, in the county of Montgomery and State of New York,' as amended " (Int. No. 937), which was read the first time and referred to the committee on general laws.

Mr. Evans introduced a bill entitled "An act to provide for the improvement of the State road in the county of Oneida running from White Lake station to Wood Hull lake, and making an appropriation therefor " (Int. No. 938), which was read the first time and referred to the committee on ways and means.

Mr. Francisco introduced a bill entitled "An act in relation to Cornelia street, in the borough of Brooklyn, city of New York" (Int. No. 939), which was read the first time and referred to the committee on railroads.

Mr. Fuller introduced a bill entitled "An act to empower the board of assessors of the city of New York to estimate and allow damages sustained by owners of real property fronting upon streets and avenues approaching the bridge over Prospect avenue at Seeley street, borough of Brooklyn, in the city of New York" (Int. No. 940), which was read the first time and referred to the committee on affairs of cities.

Mr. Hartman introduced a bill entitled "An act providing for the submission of a proposition to the electors of the city of New York as to the sale of liquors on Sunday, and authorizing the sale of liquors on such day if such proposition be adopted" (Int. No. 941), which was read the first time and referred to the committee on excise.

Mr. Ogden introduced a bill entitled "An act to amend the Code of Civil Procedure in relation to the evidence and damages in actions for libel" (Int. No. 942), which was read the first time and referred to the committee on codes.

Mr. Phillips introduced a bill entitled "An act to amend section 1538 of the Code of Civil Procedure, relating to actions for partition" (Int. No. 943), which was read the first time and referred to the committee on codes.

Mr. Shuttleworth introduced a bill entitled "An act to prevent the construction, operation and maintenance of any further railroads in the State road known as the Buffalo and White's Corners plankroad, in Erie county" (Int. No. 944), which was read the first time and referred to the committee on railroads.

Mr. Burns introduced a bill entitled "An act relating to the appointment of employees of the fire department of the city of New York to the uniformed force of the said department" (Int. No. 945), which was read the first time and referred to the committee on affairs of cities.



Mr. Dale introduced a bill entitled "An act to amend the Railroad Law relative to percentage of gross receipts to be paid by street surface railroads in cities or villages" (Int. No. 946), which was read the first time and referred to the committee on railroads.

Mr. Evans introduced a bill entitled "An act to authorize the construction of a new bridge with double driveways and sidewalks over the Erie canal at South Washington street, in the city of Rome" (Int. No. 947), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to amend chapter 650 of the Laws of 1904, entitled 'An act to revise the charter of the city of Rome'" (Int. No. 948), which was read the first time and referred to the committee on affairs of cities.

Mr. G. H. Whitney introduced a bill entitled "An act to amend chapter 106 of the Laws of 1891, entitled 'An act to revise, consolidate and amend the several acts relating to the village of Mechanicville and to repeal certain acts,' relating to the appointment of inspectors of election" (Int. No. 949), which was read the first time and referred to the committee on affairs of villages.

Mr. Wade introduced a bill entitled "An act directing the Adjutant-General to deliver the battle flag of the Ninth New York Cavalry, which was presented to such regiment by the citizens of Chautauqua county" (Int. No. 950), which was read the first time and referred to the committee on military affairs.

Mr. Lewis introduced a bill entitled "An act to amend section 1 of chapter 326 of the Laws of 1895, entitled 'An act to provide for the incorporation of associations for lending money on personal property, and to forbid certain loans of money, property or credit'" (Int. No. 951), which was read the first time and referred to the committee on the judiciary.

Mr. Wedemeyer introduced a bill entitled "An act to amend the Greater New York charter relative to water rents in the borough of Richmond" (Int. No. 952), which was read the first time and referred to the committee on affairs of cities.

Mr. Cunningham introduced a bill entitled "An act authorizing the village of Ellenville, Ulster county, to issue additional bonds for the purpose of completing a dyke or other structure along the bank of the Beerkill creek or stream in or near such village, and relating to the debt limitation in said village" (Int. No. 953), which was read the first time and referred to the committee on affairs of villages.

By unanimous consent,

Mr. J. E. Smith introduced a bill entitled "An act to authorize the city of Olean to acquire the Oak Lawn cemetery, and other lands, for the establishment of a public park, to provide for the removal of remains in such cemetery, and the reinterment thereof, and to authorize the issue of bonds for the purposes of the act" (Int. No. 954), which was read the first time and referred to the committee on affairs of cities.

The committee on the judiciary presented the following report and resolution:

*To the Honorable the Assembly of the State of New York:*

Your committee on the judiciary, which was, by a resolution adopted by the Assembly on the 31st day of January, 1905, authorized and instructed "to inquire and fully investigate in regard to the truth of the accusations against Warren B. Hooker, contained in a communication of the Jamestown Bar Association therein mentioned and all matters relating thereto or connected therewith, and all other matters relating to or affecting the fitness of said Warren B. Hooker to hold the high office of justice of the Supreme Court; and to report to the Assembly with all convenient speed the proceedings had and testimony taken by said committee, together with its opinion thereon and such recommendation as such committee may make in the matter," and to make final report on or before March 15, 1905, submit the following report of progress and ask that the time of the committee to make its final report be extended to and including April 3, 1905:

Soon after the adoption of said resolution your committee, in pursuance of the authority contained in said resolution, employed Hon. Henry B. Coman of Morrisville, N. Y., as counsel, and Henry Lammert as stenographer, and invited the Jamestown Bar Association, the New York State Bar Association, the Bar

Association of the city of New York and the Brooklyn Bar Association to co-operate with your committee and its counsel in procuring witnesses and evidence.

On the 4th of February, 1905, said Warren B. Hooker while, as your committee are informed, on his way to Albany to consult his counsel, was injured in an accident which occurred at Whitesboro, N. Y., on the New York Central and Hudson River railroad, and thereupon returned to his home at Fredonia, N. Y. On the 7th of February your committee not having definite information of the extent of Justice Hooker's injuries, set down a hearing in the matter for Thursday, February 16, 1905, at 2 o'clock p. m., in the Assembly parlor in the Capitol at Albany, and caused eight persons to be subpoenaed to attend as witnesses at that time and place.

On the following Tuesday, February 14, 1905, counsel for Justice Hooker appeared before your committee and asked for a postponement of such hearing, upon the ground that Justice Hooker's physical condition was such, in consequence of such injuries, that he was and would be unable to attend such hearing, or to consult with his counsel, and on the following day presented to your committee the sworn affidavits of two reputable physicians, showing to the satisfaction of your committee that Justice Hooker's condition was such that your committee would not, in fairness and justice, be warranted in compelling the counsel to proceed with the hearing of February 16th, and the same was thereupon postponed to March 2, 1905, at the same place and time of day.

Reliable information having been given to your committee that there was on file in the United States Post Office Department in Washington, D. C., documentary evidence material, necessary and proper for your committee to have upon such investigation which could not be removed from the files of the Post Office Department, and the originals of which could not be obtained for use before the committee in this State, on the 24th of February, 1905, appointed a subcommittee consisting of the chairman, Mr. Mead, and Mr. Shanahan, members of your committee, to visit Washington, examine such documentary evidence and if possible obtain copies thereof in such form as to enable the committee to avail itself of the same as evidence.

Said subcommittee, together with Mr. Coman as counsel and Mr. Lammert as stenographer to the committee, have visited Washington, and report that they were kindly received and

courteously treated by the Postmaster-General and his subordinates, who laid before said subcommittee all the letters, telegrams, contracts, documents and other papers relating to the matter for its examination, and that in the presence of the counsel for Justice Hooker they examined the same and were permitted, contrary to the ordinary practice of the department, to have copies made of the same, which copies are now being made. Such letters, documents and papers are voluminous and copies of the same will probably not be completed before March 11th.

A stipulation has been entered into by counsel on the part of Justice Hooker to the effect, in substance, that the copies thus to be made may be used in place of the originals, reserving only the objection to their competency and materiality when offered in evidence.

Your committee has been informed, and upon such information is satisfied, that Justice Hooker has not yet sufficiently recovered to be able to consult with counsel so as to make proper preparations for such investigation, but is assured by such counsel that if a hearing is set down for Thursday, March 16th, the investigation can then be proceeded with.

The several bar associations invited as above stated have expressed their willingness to co-operate with the committee, and its counsel, and some or all of them have appointed counsel to represent such associations in the investigation.

As the time of the committee to make report is limited to March 15, 1905, your committee does not feel justified in fixing the time for a hearing for a date later than that, without an extension of its time to make final report, and therefore reports in favor of the adoption by the Assembly of the following resolution:

Resolved, That the committee on the judiciary, which was, by a resolution of the Assembly adopted January 31, 1905, "authorized and instructed to inquire and fully investigate in regard to the truth of the accusation against said Warren B. Hooker contained in said communication of said Jamestown Bar Association and all matters relating thereto, and all other matters relating to or affecting the fitness of said Warren B. Hooker to hold the high office of justice of the Supreme Court, and to report to the Assembly with all convenient speed the proceedings had and testimony taken by said committee, together with its opinion thereon, and such recommendations as such committee may make in the matter," be and the same is hereby granted further time, to and including April 3, 1905, to continue such investiga-



tion, as provided in said resolution of January 31, 1905, and make report to this Assembly.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Tompkins, Int. No. 525, entitled "An act to amend the Stock Corporations Law relative to promoters and prospectuses" (No. 592), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 2, line 11, after the word "otherwise" insert a comma.

Page 4, line 21, after the word "the" strike out the word "government" and insert the word "state."

Page 5, line 9, after the word "paid" strike out the comma.

Same page, line 12, after the word "paid" strike out the comma.

Page 6, line 14, after the word "corporation" strike out the words "or to be so purchased or acquired by the corporation."

Same page, line 17, after the word "prospectus" insert a semicolon.

Same page, line 21, after the word "be" insert the word "in."

Page 7, line 7, after the word "to" strike out the word "and" and insert the word "any."

Page 8, line 10, after the word "ten" strike out the word "and" and insert the word "to."

ROBERT J. FISH,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Wadsworth, Int. No. 458, entitled "An act to amend the State Charities Law in relation to autopsies at Craig Colony for Epileptics" (No. 488), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 2, line 1, after the word "made" insert the words "at the said Craig colony by a member or members of its medical staff."



Same page, line 2, add after the word "patient" the words "provided that such autopsy be made not later than twelve hours after the death of such patient and in such manner as will cause the least possible mutilation."

ROBERT J. FISH,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to amend the Membership Corporations Law relating to taxation of lot owners by cemetery corporations." (No. 765, Int. No. 677.)

"An act to amend the Village Law in relation to village elections." (No. 659, Int. No. 592.)

"An act authorizing and directing the Comptroller to readjust and resettle the accounts of certain trust companies for taxes paid under section 187-a of the Tax Law for the years ending June 30, 1901 and 1902." (No. 742, Int. No. 661.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 223) entitled "An act to amend the Transportation Corporations Law in respect to waterworks corporations" (Int. No. 204), reported the same with the following recommendations:

Insert a comma in second line of title after the word "law."

Page 1, line 3, after the word "ninety" insert the words "entitled 'An act in relation to transportation corporations, excepting railroads, constituting chapter ten of the general laws.'"

Same page, line 4, strike out the word "so."

Same page, line 5, strike out the first word "as."

At end of bill add:

"§ 2. This act shall take effect immediately."

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 905) entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof, relative to sale of lands for unpaid taxes or assessments" (Int. No. 502), reported the same with the following recommendations:

Page 1, line 4, strike out the words "so as."

Page 6, line 5, strike out the words "so as."

Page 8, line 6, strike out the words "so as."

Page 10, line 3, strike out the words "so as."

Page 11, line 25, strike out the words "so as."

Page 14, line 16, strike out the words "so as."

Same page, line 17, strike out the word "expense" and insert the word "expenses."

Same page, line 20, after the word "for" insert the word "giving."

Same page, line 25, strike out the words "one dollar" and insert the words "fifty cents."

Page 15, line 7, strike out the first word "the" and insert the word "said."

Same page, line 16, strike out the words "so as."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 771) entitled "An act to amend chapter 14 of the Laws of 1880, entitled 'An act to further amend chapter 143 of the Laws of 1861, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester, and to consolidate therewith the several acts in relation to the charter of said city," relating to ordinances'" (Int. No. 683), reported the same with the following recommendations:

Insert single quotation mark after the word "Rochester" in sixth line of title, and insert quotation marks after the word "city" in last line of title.

Page 1, line 2, after the word "eighty" insert the words "entitled 'An act to further amend chapter one hundred and forty-three of the laws of eighteen hundred and sixty-one, entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Rochester," and to consolidate therewith the several acts in relation to the charter of said city,' as amended by chapter three hundred and forty-three of the laws of eighteen hundred and eighty-one."

Same page, line 4, strike out the words "so as."

Page 5, line 14, strike out the words "so as."

Same page, line 16, insert commas after the words "council" and "fine."

Same page, line 17, underscore the words "or imprisonment."

Same page, line 18, insert a comma before the word "shall."

Page 6, line 7, capitalize the word "all."

Same page, line 8, insert a comma after the word "proceeding."

Same page, line 11, insert commas before the word "may" and after the word "state."

Same page, line 13, insert a comma after the word "either."

Same page, line 14, insert commas after the words "thereof" and "clerk."

Same page, line 15, underscore period at end of line after the word "affixed" and insert, in brackets, a comma and the word "and" at end of line.

Same page, line 18, insert a comma before the word "and."

Same page, line 25, insert a comma before the word "or."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

"An act to amend the Code of Civil Procedure in relation to the appointment and compensation of stenographers in surrogates' courts in certain counties." (No. 960, Int. No. 397.)

"An act to amend the Penal Code relative to bank officers." (No. 954, Int. No. 549.)

“An act to amend the Agricultural Law relative to compensation to owners of animals destroyed because of tuberculosis.” (No. 963, Int. No. 279.)

“An act amending section 162 of the Town Law, relating to auditing town accounts.” (No. 955, Rec. No. 35.)

“An act to amend the Code of Civil Procedure relating to judgments in matrimonial actions.” (No. 959, Int. No. 312.)

“An act to amend the Forest, Fish and Game Law in relation to the close season on hares and rabbits.” (No. 957, Int. No. 476.)

“An act to amend the Banking Law in relation to the reports of trust companies.” (No. 951, Int. No. 19.)

“An act to amend the Code of Civil Procedure relative to the power of a court respecting the docket of its judgments.” (No. 961, Int. No. 421.)

“An act to amend chapter 615 of the Laws of 1894, entitled ‘An act to revise the charter of the city of Elmira,’ in relation to the police force.” (No. 953, Int. No. 580.)

“An act to amend chapter 347 of the Laws of 1890, entitled ‘An act to provide for the payment of the cost and expenses of the construction of a trunk sewer on the east side of the Genesee river, in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments,’ relating to the collection of assessments.” (No. 952, Int. No. 518.)

“An act to amend the Code of Criminal Procedure in relation to return by magistrate of statement to district attorney in certain counties.” (No. 958, Int. No. 211.)

“An act to amend chapter 528 of the Laws of 1902, entitled ‘An act to regulate the sales of merchandise in bulk,’ relative to fixtures.” (No. 962, Int. No. 441.)

“An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads.” (No. 1004, Int. No. 30.)

Mr. Speaker announced the special order, being the bill (No. 578) entitled “An act to amend section 103 of the Railroad Law

with respect to the abandonment of part of route, temporary removal of rails, temporary discontinuance of operation and relocation of railroads and routes." (Int. No. 532.)

Mr. Cox moved to amend said bill as follows:

Page 2, line 22, after the word "city" insert the words "containing a population of over one million inhabitants."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

AYES 42

NOES 70

Those who voted in the affirmative were:

Allen F E	Cox	Leggett	Schoeneck	Thonet
Allen J G	Fish	Lewis	Scovill	Waddell
Bedell	Gates	Mead	Shuttleworth	Wade
Brooks	Hammond	Merritt	Smith A P	Wemple
Burnett	Hanford	Monroe	Smith J T	Whitney F G
Callahan	Hapeman	Plank	Standart	Wilsnack
Caughlan	Hastings	Rigby	Tenjust	Wood F X
Coon	Hurd	Rogers	Thompson G F	Yale
Cotton	Knapp			

Those who voted in the negative were:

Agnew	Ellis	La Rue	Perry	Stevens
Anderson	Etzel	Machacek	Pratt	Sullivan
Burns	Foelker	Maier	Prentice	Thompson J A
Cahn	Foster	Malloy	Prince	Tompkins
Carrier	Francisco	Mathews T F	Reilly	Wagner
Charles E E	Freidel	McKeown	Rosenstein	Wadsworth
Charles W B	Fuller	Moreland	Salomon	Wainwright
Cooke	Gardner	Murphy	Sammon	Wedemeyer
Coutant	Gray	Newton	Shanahan	West
Cowan	Gurnett	Nugent	Sheehy	Whitney G H
Cunningham	Hackett	O'Neill	Sherry	Wiegand
Dale	Hartman	Palmer	Smith A E	Wolf
Donovan	Hornidge	Patton	Smith J E	Wood F C
Dowling	La Petra	Pendry	Stanley	Young

Mr. Foelker moved to amend as follows:

Strike out the following on page 3, beginning on line 15:

"Such removal of tracks or discontinuance of the operation of cars shall not in any manner affect or impair the grant, franchise or consent under which the tracks were laid or the road operated nor the right to relay said tracks in the same places as theretofore or to resume the operation of cars."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.



Mr. Bedell moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. O'Neil moved to amend as follows:

Page 3, from line 18 strike out balance of section 103 after the word "operated."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Agnew moved that said bill be recommitted to the committee on railroads, retaining its place on the order of second reading.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the negative.

Mr. Agnew moved to strike out the enacting clause of said bill.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

AYES 82

NOES 41

Those who voted in the affirmative were:

Agnew	Dowling	La Fetra	Prince	Stanley
Allen J G	Ellis	La Rue	Quinn	Stevens
Anderson	Etzel	Machacek	Reilly	Thompson G F
Beihliff	Fitzsimons	Maier	Rigby	Thompson J A
Bird	Foelker	Malloy	Rosenstein	Tompkins
Bisland	Foster	Mathews T F	Salomon	Wagner
Brady	Francisco	McKeown	Sammon	Wadsworth
Burzynski	Freidel	Mead	Schoeneck	Wainwright
Cahn	Fuller	Murphy	Shanahan	Wedemeyer
Carrier	Gardner	Newton	Sheehy	West
Charles E E	Grady	Nugent	Sherry	Whitney G H
Charles W B	Grattan	O'Neill	Shuttleworth	Wiegand
Cooke	Hackett	Palmer	Slocum	Wolf
Coutant	Hammond	Patton	Smith A E	Wood F C
Cowan	Hartman	Pendry	Smith J E	Wood F X
Cunningham	Hooker	Perry	Standart	Young
Donovan	Hornidge	Prentice		

Those who voted in the negative were:

Allen F E	Cox	Hurd	Platt	Tenjust
Bedell	Dale	Knapp	Pratt	Thonet
Brooks	Fish	Leggett	Rogers	Waddell
Burnett	Gates	Lewis	Scovill	Wade
Callahan	Gray	Merritt	Sheldon	Wemple
Caughlan	Hapeman	Monroe	Smith A P	Whitney F G
Coon	Hastings	Moreland	Smith J T	Wilsnack
Cotton	Hubbs	Plank	Steele	Yale

The bill (No. 575) entitled "An act creating a commission to investigate the condition of certain marshes in the vicinity of Staten Island, as affecting the public health or the property values and other interests of Staten Island" (Int. No. 528), having been announced for a third reading,

On motion of Mr. Wilsnack, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The bill (No. 812) entitled "An act to amend chapter 44 of the Laws of 1853, entitled 'An act for the better support of the poor in the town of Newburgh in the county of Orange,' in relation to the corporate name and terms of the commissioners of the almshouse" (Int. No. 382), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooker	Palmer	Smith R <sup>H</sup>
Allen F E	Cox	Hooper	Patton	Standart]
Allen J G	Cunningham	Hornidge	Perry	Stanley
Anderson	Dale	Hubbs	Plank	Steele
Apgar	Dodd	Hurd	Platt	Stevens
Bass	Donovan	Kavanaugh	Pratt	Tenjust
Beebe	Dowling	Knapp	Prentice	Thompson G F
Becker	Ellis	La Fetra	Prince	Thompson J A
Bedell	Etzel	La Rue	Quinn	Thonet
Beihlf	Everett	Leggett	Reeve	Tompkins
Bird	Fish	Lewis	Reilly	Waddell
Bisland	Fitzsimons	Machacek	Rigby	Wade
Brady	Foelker	Maier	Rogers <sup>1</sup>	Wagner
Brooks	Foster	Malloy	Rosenstein	Wadsworth
Burnett	Francisco	Mathews T F	Salomon	Wainwright
Burns	Freidel	Matthews, C R	Sammon	Wedemeyer
Burzynski	Fuller	McKeown	Schoeneck	West
Byrne	Gardner	McManus	Scovill	Wemple
Cadin	Gates	Mead	Shanahan	Whitney, F & G
Cahn	Grady	Merritt	Sheehy	Whitney G H
Callahan	Grattan	Miller	Sheldon	Wiegand
Carrier	Gray	Monroe	Sherry	Wilsnack
Caughlan	Hackett	Moreland	Shuttleworth	Wilson

Charles E E	Hammond	Murphy	Slocum	Wolf
Charles W B	Hanford	Newton	Smith A P	Wood F C
Coon	Hapeman	Nugent	Smith A E	Wood F X
Cotton	Hartman	Ogden	Smith J E	Yale
Coutant	Hastings	O'Neill	Smith J T	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 490) entitled "An act to provide for the appointment of a commission to investigate the matter of disputed title to lands claimed by the State in counties containing portions of the Forest Preserve" (Int. No. 460), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 131

NOES 4

Those who voted in the affirmative were:

Agnew	Cowan	Hooker	Pendry	Smith J T
Allen F E	Cox	Hooper	Perry	Smith R H
Allen J G	Cunningham	Hornidge	Phillips	Standart
Anderson	Dale	Hurd	Plank	Stanley
Apgar	Dodd	Kavanaugh	Platt	Steele
Bass	Donovan	Knapp	Pratt	Stevens
Becker	Dowling	La Rue	Prentice	Sullivan
Bedell	Etzel	Leggett	Prince	Tenjost
Beebe	Evans	Machacek	Quinn	Thompson J A
Beihlf	Everett	Maier	Reeve	Thonet
Bird	Fish	Malloy	Reilly	Tompkins
Bisland	Foelker	Mathews T F	Rigby	Waddell
Brady	Foster	Matthews C R	Rogers	Wagner
Brooks	Francisco	McKeown	Rosenstein	Wadsworth
Burnett	Freidel	McManus	Salomon	Wainwright
Burns	Gardner	Mead	Sammon	Wedemeyer
Burzynski	Grady	Merritt	Santee	West
Byrne	Grattan	Miller	Schoeneck	Whitney F G
Cadin	Gray	Monroe	Shanahan	Whitney G H
Callahan	Gurnett	Moreland	Sheehy	Wiegand
Carrier	Hackett	Newton	Sheldon	Wilsnack
Caughlan	Hammond	Nugent	Sherry	Wilson
Charles E E	Hanford	Ogden	Shuttleworth	Wolf
Charles W B	Hapeman	O'Neill	Smith A P	Wood F X
Coon	Hartman	Parker	Smith A E	Yale
Cotton	Hastings	Patton	Smith J E	Young
Coutant				

Those who voted in the negative were:

Cahn	Fuller	La Fetra	Palmer
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Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 925) entitled "An act to amend the Public Health Law relative to the use of methyl or wood alcohol for adulterative purposes" (Int. No. 369), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 140

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hornidge	Pendry	Standart
Allen F E	Dale	Hubbs	Perry	Stanley
Allen J G	Dodd	Hurd	Phillips	Steele
Anderson	Donovan	Kavanaugh	Plank	Stevens
Apgar	Dowling	Knapp	Platt	Sullivan
Bass	Ellis	La Fetra	Prentice	Tenjost
Bedell	Etzel	La Rue	Prince	Thompson G F
Beebe	Evans	Leggett	Quinn	Thompson J A
Beihlf	Everett	Lewis	Reeve	Thonet
Bird	Fish	Maier	Reilly	Tompkins
Bisland	Foelker	Malloy	Rigby	Waddell
Brady	Foster	Mathews T F	Rosenstein	Wade
Brooks	Francisco	Matthews C R	Salomon	Wagner
Burnett	Freidel	McKeown	Sammon	Wadsworth
Burns	Fuller	McManus	Santee	Wainwright
Burzynski	Gardner	Mead	Schoeneck	Wedemeyer
Cadin	Gates	Merritt	Scovill	West
Cahn	Grady	Miller	Shanahan	Wemple
Callahan	Grattan	Monroe	Sheehy	Whitney F G
Carrier	Gray	Moreland	Sheldon	Whitney F G
Caughlan	Gurnett	Murphy	Sherry	Wiegand
Charles E E	Hackett	Newton	Shuttleworth	Wilsnack
Charles W B	Hammond	Nugent	Slocum	Wilson
Cooke	Hanford	Ogden	Smith A P	Wolf
Coon	Hapeman	O'Neill	Smith A E	Wood F C
Cotton	Hartman	Palmer	Smith J E	Wood F X
Coutant	Hastings	Parker	Smith J T	Yale
Cowan	Hooper	Patton	Smith R H	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 927) entitled "An act to amend chapter 744 of the Laws of 1867, entitled 'An act to define the objects of the

New York State Institution for the Blind, and to provide for its management,' relative to the bond of the treasurer of the New York State School for the Blind" (Int. No. 455), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 139

NOES 00

Those who voted in the affirmative were:

Agnew	Cox	Kavanaugh	Phillips	Stanley
Allen F E	Cunningham	Knapp	Plank	Steele
Allen J G	Dale	La Fetra	Platt	Stevens
Anderson	Dodd	La Rue	Pratt	Sullivan
Apgar	Donovan	Leggett	Prentice	Tenjest
Bass	Dowling	Lewis	Prince	Thompson G F
Becker	Etzel	Machacek	Quinn	Thompson J A
Bedell	Evans	Maier	Reeve	Thonet
Beebe	Everett	Malloy	Reilly	Tompkins
Beihilf	Fitzsimons	Mathews T F	Rigby	Waddell
Bird	Foelker	Matthews C R	Rogers	Wade
Bisland	Foster	McKeown	Rosenstein	Wagner
Brady	Francisco	McManus	Salomon	Wadsworth
Brooks	Fuller	Mead	Sammon	Wainwright
Burnett	Gardner	Merritt	Santee	Wedemeyer
Burzynski	Gates	Miller	Schoeneck	West
Byrne	Grattan	Monroe	Scovill	Wemple
Cahn	Gray	Moreland	Shanahan	Whitney F G
Callahan	Gurnett	Murphy	Sheehy	Whitney G H
Carrier	Hackett	Newton	Sheldon	Wiegand
Caughlan	Hammond	Nugent	Sherry	Wilsnack
Charles E E	Hanford	Ogden	Shuttleworth	Wilson
Charles W B	Hapeman	O'Neill	Slocum	Wolf
Cooke	Hastings	Palmer	Smith A E	Wood F C
Coon	Hooker	Parker	Smith J E	Wood F X
Cotton	Hooper	Patton	Smith J T	Yale
Coutant	Hubbs	Pendry	Smith R H	Young
Cowan	Hurd	Perry	Standart	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 926) entitled "An act to amend the Agricultural Law relative to foods adulterated with methyl or wood alcohol" (Int. No. 370), was read the third time, having been printed and



upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 123

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Knapp	Perry	Standart
Allen F E	Dale	La Rue	Phillips	Stanley
Allen J G	Dodd	Lewis	Plank	Steele
Anderson	Donovan	Machacek	Platt	Sullivan
Apgar	Dowling	Maier	Pratt	Tenjost
Bass	Etzel	Malloy	Prentice	Thompson J A
Becker	Evans	Mathews T F	Prince	Thonet
Bedell	Everett	Matthews C R	Quinn	Tompkins
Beebe	Fitzsimons	McKeown	Reeve	Waddell
Beihilf	Foelker	McManus	Reilly	Wade
Bisland	Francisco	Mead	Rigby	Wagner
Brooks	Freidel	Merritt	Rogers	Wainwright
Burnett	Gardner	Miller	Rosenstein	Wedemeyer
Burns	Gates	Monroe	Salomon	West
Burzynski	Grattan	Moreland	Santee	Wemple
Byrne	Gurnett	Murphy	Schoeneck	Whitney F G
Cadin	Hackett	Newton	Shanahan	Wiegand
Cahn	Hammond	Nugent	Sheehy	Wilsnack
Callahan	Hamford	Ogden	Sheldon	Wilson
Charles E E	Hartman	O'Neill	Sherry	Wolf
Charles W B	Hastings	Palmer	Slocum	Wood F C
Coon	Hooker	Parker	Smith A P	Wood F X
Cotton	Hornidge	Patton	Smith J E	Yale
Coutant	Hurd	Pendry	Smith J T	Young
Cowan	Kavanaugh			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 923) entitled "An act to amend the Penal Code relative to the desecration, mutilation or improper use of the flag of the United States or of this State" (Int. No. 96), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 124

NOES 00

Those who voted in the affirmative were:

Agnew	Dowling	Knapp	Plank	Steele
Allen F E	Ellis	La Fetra	Platt	Stevens
Allen J G	Etzel	La Rue	Pratt	Sullivan
Anderson	Evans	Lewis	Prince	Tenjost
Apgar	Everett	Machacek	Quinn	Thompson G F
Becker	Fitzsimons	Maier	Reeve	Thompson J A
Beebe	Foelker	Malloy	Reilly	Thonet
Beihilf	Foster	Mathews T F	Rigby	Tompkins
Bird	Freidel	Matthews C R	Rogers	Waddell
Brady	Gardner	McKeown	Salomon	Wade
Burnett	Gates	McManus	Sammon	Wagner
Burns	Grady	Mead	Santee	Wadsworth
Byrne	Grattan	Merritt	Schoeneck	Wainwright
Cadin	Gray	Miller	Scovill	Wedemeyer
Callahan	Gurnett	Monroe	Sheehy	Wemple
Caughlan	Hammond	Moreland	Sheldon	Whitney F G
Charles E E	Hanford	Murphy	Sherry	Whitney G H
Charles W B	Hapeman	Nugent	Shuttleworth	Wilsnack
Coon	Hartman	Ogden	Slocum	Wilson
Cotton	Hooker	O'Neill	Smith A P	Wolf
Coutant	Hooper	Palmer	Smith A E	Wood F C
Cox	Hornidge	Parker	Smith J E	Wood F X
Cunningham	Hubbs	Pendry	Smith J T	Yale
Dodd	Hurd	Perry	Smith R H	Young
Donovan	Kavanaugh	Phillips	Standart	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 924) entitled "An act to amend the Religious Corporations Law relative to the removal of remains from cemeteries and church grounds" (Int. No. 244), having been announced for a third reading,

On motion of Mr. Hooker, said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 471) entitled "An act to amend the Military Code relative to armories" (Int. No. 442), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 118

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hooper	Pendry	Smith R H
Allen F E	Dale	Hornidge	Perry	Standart
Allen J G	Dodd	Hurd	Plank	Stanley
Anderson	Donovan	Kavanaugh	Platt	Steele
Apgar	Dowling	Knapp	Pratt	Sullivan
Bass	Ellis	La Rue	Prentice	Tenjost
Bedell	Etzel	Leggett	Quinn	Thompson J A
Beihilf	Evans	Lewis	Reeve	Thonet
Bird	Everett	Machacek	Reilly	Tompkins
Brady	Fish	Maier	Rogers	Wade
Brooks	Fitzsimons	Malloy	Rosenstein	Wagner
Burnett	Foelker	Mathews T F	Salomon	Wadsworth
Burzynski	Francisco	Matthews C R	Sammon	Wainwright
Byrne	Freidel	McKeown	Santee	West
Cadin	Fuller	McManus	Scovill	Wemple
Callahan	Gardner	Mead	Shanahan	Whitney G H
Carrier	Grady	Miller	Sheehy	Wiegand
Caughlan	Grattan	Monroe	Sherry	Wilsnack
Charles E E	Gurnett	Moreland	Shuttleworth	Wolf
Charles W B	Hackett	Newton	Slocum	Wood F C
Cooke	Hammond	Nugent	Smith A P	Wood F X
Cotton	Hapeman	Ogden	Smith J E	Yale
Coutant	Hartman	O'Neill	Smith J T	Young
Cowan	Hooker	Parker		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 906) entitled "An act to authorize the issuance and sale of bonds of the town of Greenburgh, in the county of Westchester, N. Y., in the aggregate principal sum of \$225,500, to provide for the expense of repairing, grading and macadamizing certain roads and highways in said town, to provide for security to be given by the supervisor of said town, and to provide for the raising of taxes to pay the principal and interest on said bonds as the same become due" (Int. No. 459), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 125

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Kavanaugh	Perry	Stanley
Allen F E	Dale	Knapp	Phillips	Steele
Allen J G	Donovan	La Fetra	Plank	Stevens
Anderson	Dowling	La Rue	Pratt	Sullivan
Apgar	Etzel	Leggett	Prentice	Tenjust
Bass	Evans	Lewis	Prince	Thompson J A
Becker	Everett	Machacek	Quinn	Thonet
Beebe	Fish	Maier	Reilly	Tompkins
Beihlf	Foelker	Malloy	Rigby	Waddell
Bisland	Francisco	Mathews T F	Rogers	Wade
Brady	Freidel	Matthews C R	Salomon	Wagner
Burnett	Fuller	McKeown	Sammon	Wadsworth
Burzynski	Gates	McManus	Santee	Wainwright
Byrne	Grady	Mead	Schoeneck	Wedemeyer
Cadin	Grattan	Merritt	Scovill	West
Cahn	Gray	Miller	Shanahan	Wemple
Callahan	Hackett	Monroe	Sheehy	Whitney G H
Carrier	Hanford	Moreland	Sheldon	Wiegand
Caughlan	Hapeman	Murphy	Shuttleworth	Wilsnack
Charles E E	Hartman	Newton	Slocum	Wilson
Cooke	Hastings	Ogden	Smith A P	Wolf
Coon	Hooper	O'Neill	Smith A E	Wood F C
Cotton	Hornidge	Palmer	Smith J E	Wood F X
Coutant	Hubbs	Parker	Smith R H	Yale
Cox	Hurd	Pendry	Standart	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 551) entitled "An act to amend chapter 214 of the Laws of 1888, entitled 'An act to revise the charter of the city of Binghamton,' and the several acts amendatory thereof, relative to building and maintaining of sidewalks and curbing, and the cost thereof" (Int. No. 401), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 121

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Knapp	Perry	Smith J T
Allen F E	Dodd	La Fetra	Phillips	Smith R H
Allen J G	Donovan	La Rue	Plank	Stanley
Anderson	Ellis	Leggett	Platt	Steele
Apgar	Etsel	Lewis	Pratt	Stevens
Bass	Evans	Maier	Prentice	Sullivan
Becker	Fish	Malloy	Prince	Thompson G F
Bedell	Fitzsimons	Mathews T F	Quinn	Thompson J A
Beebe	Foster	Matthews C R	Reeve	Tompkins
Beihilf	Francisco	McKeown	Reilly	Waddell
Bisland	Freidel	McManus	Rigby	Wade
Brady	Gardner	Mead	Rogers	Wadsworth
Brooks	Grady	Merritt	Rosenstein	Wainwright
Burnett	Grattan	Miller	Salomon	Wedemeyer
Burns	Gray	Monroe	Santee	West
Burzynski	Gurnett	Moreland	Schoeneck	Wemple
Cadin	Hackett	Murphy	Scovill	Whitney F G
Cahn	Hammond	Newton	Sheehy	Whitney G H
Carrier	Hanford	Nugent	Sheldon	Wilsnack
Caughlan	Hartman	Ogden	Sherry	Wilson
Charles E E	Hastings	O'Neill	Shuttleworth	Wolf
Cooke	Hooker	Palmer	Slocum	Wood F C
Coon	Hornidge	Parker	Smith A P	Wood F X
Cotton	Hubbs	Patton	Smith A E	Yale
Coutant	Hurd	Pendry	Smith J E	Young
Cox	Kavanaugh			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 846) entitled "An act to amend chapter 478 of the Laws of 1893, entitled 'An act to incorporate the city of Olean,' in relation to commitments to the Erie county penitentiary" (Int. No. 748), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	Leggett	Prentice	Steele
Allen F E	Donovan	Machacek	Prince	Stevens
Allen J G	Ellis	Maier	Quinn	Sullivan
Anderson	Etsel	Malloy	Reeve	Tenjust



Apgar	Evans	Mathews T F	Reilly	Thompson G F
Bass	Fish	Matthews C R	Rigby	Thompson J A
Becker	Fitzsimons	McKeown	Rogers	Thonet
Bedell	Foster	McManus	Rosenstein	Tompkins
Beihliff	Francisco	Mead	Salomon	Waddell
Bird	Fuller	Merritt	Sammon	Wade
Bisland	Gardner	Miller	Santee	Wagner
Brady	Gates	Monroe	Schoeneck	Wadsworth
Brooks	Grattan	Moreland	Scovill	Wainwright
Burns	Gray	Murphy	Shanahan	Wedemeyer
Burzynski	Hackett	Newton	Sheehy	West
Byrne	Hammond	Nugent	Sheldon	Wemple
Cahn	Hapeman	Ogden	Sherry	Whitney F G
Callahan	Hartman	O'Neill	Shuttleworth	Whitney G H
Caughlan	Hastings	Palmer	Slocum	Wiegand
Charles E E	Hooker	Parker	Smith A P	Wilsnack
Cooke	Hooper	Patton	Smith A E	Wilson
Coon	Hornidge	Pendry	Smith J E	Wolf
Cotton	Hurd	Perry	Smith J T	Wood F C
Coutant	Kavanaugh	Phillips	Smith R H	Wood F X
Cowan	Knapp	Plank	Standart	Yale
Cunningham	La Fetra	Platt	Stanley	Young
Dale	La Rue	Pratt		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 523) entitled "An act to amend chapter 665 of the Laws of 1897, entitled 'An act to lay out and establish and construct a public drive and parkway in the city of New York as an extension of Riverside drive to the Boulevard LaFayette,' relative to assessments of damages" (Int. No. 481), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Knapp	Phillips	Steele
Allen F E	Dodd	La Fetra	Plank	Stevens
Allen J G	Donovan	La Rue	Platt	Sullivan
Anderson	Ellis	Leggett	Pratt	Tenjost
Apgar	Etzel	Lewis	Prentice	Thompson G F
Bass	Evans	Machacek	Prince	Thompson J A
Becker	Fish	Maier	Quinn	Thonet

Bedell	Fitzsimons	Malloy	Reeve	Tompkins
Beihlf	Foelker	Mathews T F	Rigby	Waddell
Bird	Foster	Matthews C R	Rogers	Wade
Bisland	Francisco	McKeown	Rosenstein	Wagner
Brooks	Freidel	McManus	Salomon	Wadsworth
Burnett	Fuller	Mead	Sammon	Wainwright
Burns	Gardner	Merritt	Santee	Wedemeyer
Burzynski	Grady	Miller	Schoeneck	West
Cadin	Grattan	Monroe	Scovill	Wemple
Cahn	Gray	Moreland	Shanahan	Whitney F G
Callahan	Gurnett	Murphy	Sheehy	Whitney G H
Carrier	Hackett	Newton	Sheldon	Wiegand
Charles E E	Hammond	Nugent	Sherry	Wilsnack
Charles W B	Hapeman	Ogden	Shuttleworth	Wilson
Cooke	Hartman	O'Neill	Smith A P	Wolf
Cotton	Hastings	Palmer	Smith A E	Wood F C
Coutant	Hooper	Parker	Smith J E	Wood F X
Cowan	Hornidge	Patton	Smith R H	Yale
Cox	Hubbs	Pendry	Standart	Young
Cunningham	Hurd	Perry	Stanley	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 888) entitled "An act to amend chapter 463 of the Laws of 1904, entitled 'An act authorizing the flushing of paved streets within the city of Auburn, and providing the method and means of payment therefor'" (Int. No. 774), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hubbs	Platt	Stanley
Allen F E	Kavanaugh	Hurd	Pratt	Steele
Allen J G	La Fetra	La Rue	Prentice	Stevens
Anderson	Cox	Leggett	Prince	Sullivan
Apgar	Dale	Lewis	Quinn	Tenjust
Bass	Dodd	Machacek	Reeve	Thompson G F
Becker	Donovan	Maier	Reilly	Thompson J A
Beebe	Ellis	Malloy	Rigby	Thonet
Beihlf	Etsel	Matthews C R	Rogers	Tompkins
Bird	Everett	McKeown	Rosenstein	Waddell
Bisland	Fish	McManus	Salomon	Wade
Brady	Foelker	Mead	Sammon	Wagner

Brooks	Foster	Merritt	Santee	Wadsworth
Burns	Francisco	Miller	Schoeneck	Wainwright
Burzynski	Freidel	Monroe	Scovill	Wedemeyer
Byrne	Gardner	Moreland	Shanahan	West
Cadin	Gates	Newton	Sheehy	Wemple
Cahn	Grady	Nugent	Sheldon	Whitney F G
Callahan	Grattan	Ogden	Sherry	Whitney G H
Carrier	Gurnett	O'Neill	Slocum	Wiegand
Caughlan	Hackett	Palmer	Smith A P	Wilson
Charles E E	Hammond	Parker	Smith A E	Wolf
Charles W B	Hanford	Patton	Smith J E	Wood F C
Cooke	Hapeman	Pendry	Smith J T	Wood F X
Coon	Hastings	Perry	Smith R H	Yale
Cotton	Hooker	Phillips	Standart	Young
Coutant	Hooper	Plank		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 903) entitled "An act to provide for the extension of Exterior street from East Eighty-first street to East Eighty-second street in the borough of Manhattan, city of New York" (Int. No. 399), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 129

NOES 00

Those who voted in the affirmative were:

Agnew	Dodd	La Rue	Pratt	Stanley
Allen F E	Donovan	Leggett	Prentice	Steele
Allen J G	Ellis	Lewis	Prince	Stevens
Anderson	Etzel	Machacek	Quinn	Sullivan
Apgar	Evans	Maier	Reeve	Tenjust
Bass	Fish	Malloy	Reilly	Thompson G F
Bedell	Fitzsimons	Mathews T F	Rigby	Thompson J A
Beebe	Foelker	Matthews C R	Rogers	Tompkins
Beihilf	Francisco	McKeown	Rosenstein	Waddell
Bird	Freidel	McManus	Salomon	Wade
Bisland	Gardner	Mead	Sammon	Wagner
Brooks	Gates	Merritt	Santee	Wadsworth
Burnett	Grady	Miller	Schoeneck	Wainwright
Burzynski	Grattan	Monroe	Scovill	Wedemeyer
Byrne	Gray	Moreland	Shanahan	West
Cahn	Hackett	Newton	Sheehy	Whitney F G
Callahan	Hammond	Nugent	Sheldon	Whitney G H
Carrier	Hanford	Ogden	Sherry	Wiegand
Caughlan	Hartman	O'Neill	Shuttleworth	Wilsnack

Charles E E	Hastings	Palmer	Slocum	Wilson
Charles W B	Hooker	Parker	Smith A P	Wolf
Coon	Hornidge	Patton	Smith A E	Wood F C
Coutant	Hubbs	Pendry	Smith J E	Wood F X
Cowan	Hurd	Phillips	Smith J T	Yale
Cox	Kavanaugh	Plank	Smith R H	Young
Dale	Knapp	Platt	Standart	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 721) entitled "An act to amend the Revised Statutes relative to the parole of prisoners" (Int. No. 641), having been announced for a third reading,

On motion of Mr. Moreland, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The bill (No. 773) entitled "An act providing for the use of park lands in the city of Buffalo for a pumping station in connection with the public waterworks in said city" (Int. No. 685), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 143

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hornidge	Phillips	Standart
Allen F E	Dale	Hubbs	Plank	Stanley
Allen J G	Dodd	Hurd	Platt	Steele
Anderson	Donovan	Knapp	Pratt	Stevens
Bass	Dowling	La Fetra	Prentice	Sullivan
Becker	Ellis	La Rue	Prince	Tenjust
Bedell	Etzel	Leggett	Quinn	Thompson G F
Beebe	Evans	Lewis	Reeve	Thompson J A
Beihlf	Everett	Maier	Reilly	Thonet
Bird	Fish	Malloy	Rigby	Tompkins
Bisland	Fitzsimons	Mathews T F	Rogers	Waddell
Brady	Foelker	Matthews C R	Rosenstein	Wade
Brooks	Foster	McKeown	Salomon	Wagner
Burnett	Francisco	McManus	Sammon	Wadsworth
Burns	Freidel	Mead	Santee	Wainwright
Burzynski	Fuller	Merritt	Schoeneck	Wedemeyer

Byrne	Gardner	Miller	Scovill	West
Cadin	Gates	Monroe	Shanahan	Wemple
Cahn	Grady	Moreland	Sheehy	Whitney F G
Callahan	Grattan	Murphy	Sheldon	Whitney G H
Carrier	Gray	Newton	Sherry	Wiegand
Caughlan	Hackett	Nugent	Shuttleworth	Wilsnack
Charles E E	Hammond	Ogden	Slocum	Wilson
Charles W B	Hanford	O'Neill	Smith A P	Wolf
Cooke	Hapeman	Palmer	Smith A E	Wood F C
Coon	Hartman	Parker	Smith J E	Wood F X
Cotton	Hastings	Patton	Smith J T	Yale
Cowan	Hooker	Pendry	Smith R H	Young
Cox	Hooper	Perry		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 709) entitled "An act to authorize the city of Buffalo to convey by quitclaim deed to the Delaware, Lackawanna and Western Railroad Company and the New York, Lackawanna and Western Railway Company a part of Liberty street in said city" (Int. No. 629), having been announced for a third reading,

On motion of Mr. Cox, said bill was laid aside, retaining its place on the order of third reading.

The bill (No. 753) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York and directing the comptroller to make such assessments accordingly" (Int. No. 665), having been announced for a third reading,

On motion of Mr. Burnett, said bill was recommitted to the committee on revision, retaining its place on the order of third reading.

The bill (No. 752) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to change a certain lease made by mayor, aldermen and commonalty of the city of New York to the Hahnemann Hospital of the city of New York to a grant to the said the Hahnemann Hospital of the city of New York, and to authorize the sale and lease or mortgage of the property covered thereby, by the said the Hahnemann Hospital of the city of New York" (Int. No. 664), having been announced for a third reading,



On motion of Mr. Burnett, said bill was recommitted to the committee on revision, retaining its place on the order of third reading.

The bill (No. 766) entitled "An act to legalize and confirm the proceedings of 'the board of education of the village of Salem' and legal voters of union free school district No. 12 of the town of Salem, Washington county, relative to the levy of a tax payable in installments and the issuance and sale of certain school bonds of said district" (Int. No. 678), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 127

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	La Fetra	Phillips	Smith R H
Allen F E	Donovan	La Rue	Plank	Standart
Allen J G	Dowling	Leggett	Platt	Stanley
Anderson	Ellis	Lewis	Pratt	Steele
Apgar	Etzel	Maier	Prince	Stevens
Becker	Evans	Malloy	Quinn	Sullivan
Bedell	Everett	Mathews T F	Reeve	Tenjost
Beihilf	Fitzsimons	Matthews C R	Reilly	Thompson J A
Bird	Foelker	McKeown	Rigby	Thonet
Bisland	Foster	McManus	Rogers	Tompkins
Brady	Francisco	Mead	Rosenstein	Waddell
Burnett	Fuller	Merritt	Salomon	Wade
Burns	Gardner	Miller	Sammon	Wagner
Burzynski	Gates	Monroe	Santee	Wadsworth
Byrne	Grattan	Moreland	Schoeneck	Wainwright
Cahn	Gray	Murphy	Scovill	Wedemeyer
Callahan	Gurnett	Newton	Shanahan	West
Carrier	Hackett	Nugent	Sheehy	Wemple
Charles E E	Hammond	Ogden	Sheldon	Whitney G H
Charles W B	Hapeman	O'Neill	Sherry	Wiegand
Cooke	Hartman	Palmer	Shuttleworth	Wilson
Coon	Hastings	Parker	Slocum	Wolf
Cotton	Hooper	Patton	Smith A P	Wood F C
Coutant	Hornidge	Pendry	Smith A E	Wood F X
Cox	Hurd	Perry	Smith J T	Young
Cunningham	Kavanaugh			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 635) entitled "An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York" (Int. No. 171), having been announced for a third reading,

On motion of Mr. Yale, and by unanimous consent, said bill was ordered placed on the third reading calendar for Wednesday next.

The Senate bill (No. 48, Assembly reprint No. 908) entitled "An act to legalize and validate certain acts of the electors of the town of Oswegatchie, St. Lawrence county, N. Y., the town officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town" (Rec. No. 4), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 132

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hubbs	Perry	Standart
Allen F E	Cox	Hurd	Phillips	Stanley
Allen J G	Dale	Kavanaugh	Plank	Steele
Apgar	Donovan	Knapp	Platt	Stevens
Bass	Dowling	La Fetra	Pratt	Sullivan
Becker	Ellis	La Rue	Prentice	Tenjust
Bedell	Etsel	Leggett	Prince	Thompson G F
Beebe	Evans	Lewis	Quinn	Thompson J A
Beihilf	Everett	Maier	Reilly	Thonet
Bird	Fitzsimons	Malloy	Rogers	Tompkins
Bisland	Foelker	Mathews T F	Rosenstein	Waddell
Brady	Foster	Matthews C R	Salomon	Wade
Brooks	Freidel	McKeown	Sammon	Wagner
Burnett	Fuller	McManus	Santee	Wadsworth
Burns	Gardner	Mead	Schoeneck	Wainwright
Burzynski	Gates	Merritt	Scovill	Wedemeyer
Byrne	Grattan	Miller	Shanahan	West
Cadin	Gray	Monroe	Sheehy	Whitney G H

Cahn	Gurnett	Murphy	Sheldon	Wiegand
Callahan	Hackett	Newton	Shuttleworth	Wilsnack
Carrier	Hammond	Nugent	Slocum	Wilson
Caughlan	Hanford	Ogden	Smith A P	Wolf
Charles E E	Hapeman	O'Neill	Smith A E	Wood F C
Charles W B	Hartman	Parker	Smith J E	Wood F X
Coon	Hastings	Patton	Smith J T	Yale
Cotton	Hooper	Pendry	Smith R H	Young
Coutant	Hornidge			

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the passage of the same with amendments.

The bill (No. 113) entitled "An act to amend the Forest, Fish and Game Law relating to wild fowl on Long Island" (Int. No. 113), having been announced for a second reading,

On motion of Mr. Hubbs, and by unanimous consent, said bill was made a special order on second and third reading for Thursday next, immediately after the reading of the journal.

The bill (No. 956) entitled "An act to release to Florence W. Barrett all the right, title and interest of the people of the State of New York in and to certain real estate situate in the city of Buffalo, county of Erie and State of New York" (Int. No. 347), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 267, Assembly reprint No. 1007) entitled "An act to legalize the establishment of union free school district No. 7, of the town of Ramapo, Rockland county, and the acts of the voters and the boards of education thereof, and the issuance and sale of certain bonds of said district" (Rec. No. 28), was read the second time.

On motion of Mr. Bedell, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1009) entitled "An act making appropriations for the State charitable institutions, the New York State School for the Blind and the Elmira Reformatory" (Int. No. 198), was read the second time.

On motion of Mr. Rogers, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1010) entitled "An act to amend section 30 of article 5, title 8 of chapter 556 of the Laws of 1894, entitled 'An act to revise, amend and consolidate the general acts relating to public instruction'" (Int. No. 440), was read the second time.

On motion of Mr. Wainwright, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1011) entitled "An act to amend chapter 236 of the Laws of 1860, entitled 'An act to legalize the State and county taxes in the county of Rensselaer for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes,' and the several acts amendatory thereof and supplemental thereto in relation to the assessment, taxation and collection of taxes and the sale and conveyance of land for nonpayment thereof in the county of Rensselaer" (Int. No. 445), was read the second time.

On motion of Mr. Stevens, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1012) entitled "An act to legalize and provide for the payment of bonds of the town of Moreau, in the county of Saratoga, directed to be issued by the board of supervisors of said county, for the purpose of defraying the cost of constructing a new bridge in said town" (Int. No. 769), was read the second time.

On motion of Mr. G. H. Whitney, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1013) entitled "An act to amend the charter of the Greater New York relative to the powers of city magistrates" (Int. No. 643), was read the second time.

On motion of Mr. O'Neill, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1014) entitled "An act to amend the Greater New York charter relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy" (Int. No. 454), was read the second time.

On motion of Mr. Prentice, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1008) entitled "An act to amend the County Law relative to the salaries of the county judge and the surrogate of Dutchess county" (Int. No. 598), was read the second time.

On motion of Mr. J. T. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1066) entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for grouse, woodcock and quail in certain counties" (Int. No. 266), was read the second time.

On motion of Mr. Gray, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1065) entitled "An act to amend the Forest, Fish and Game Law in relation to the close season for trout in Dutchess county" (Int. No. 264), was read the second time.

On motion of Mr. Gray, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1064) entitled "An act to amend the Forest, Fish and Game Law relative to the close season for squirrels in certain counties" (Int. No. 263), was read the second time.

On motion of Mr. Gray, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 325, Assembly reprint No. 1063) entitled "An act to provide for an enumeration of the inhabitants of this State, and making an appropriation therefor" (Rec. No. 77), was read the second time.

On motion of Mr. Burnett, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1054) entitled "An act to amend chapter 555 of the Laws of 1898, entitled 'An act to establish a State Board of Embalmers, and to regulate the practice of embalming,' relating to licensing to practice, and practicing without license" (Int. No. 797), was read the second time.

On motion of Mr. Grattan, said bill was placed on the order of third reading and referred to the committee on revision.



The bill (No. 1053) entitled "An act to amend the Code of Civil Procedure in relation to jurisdiction of justices of the peace" (Int. No. 700), was read the second time.

On motion of Mr. G. F. Thompson, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1051) entitled "An act to amend the Forest, Fish and Game Law in relation to beaver" (Int. No. 651), was read the second time.

On motion of Mr. Gates, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1050) entitled "An act to amend the Banking Law relative to securities in which deposits in savings banks may be invested" (Int. No. 623), was read the second time.

On motion of Mr. J. T. Smith, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1049) entitled "An act amending section 91 of the general railroad laws in relation to recording consents of property owners and local authorities, as amended by chapter 537 of the Laws of 1903" (Int. No. 612), having been announced for a second reading,

On motion of Mr. Pendry, said bill was recommitted to the committee on railroads, retaining its place on the order of second reading.

The bill (No. 1048) entitled "An act to amend chapter 429 of the Laws of 1884, entitled 'An act to incorporate the New York Cancer Hospital,' the name of which hospital was changed by chapter 43 of the Laws of 1899 to that of General Memorial Hospital for the Treatment of Cancer and Allied Diseases, in relation to quorum of managers" (Int. No. 593), was read the second time.

On motion of Mr. Agnew, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1047) entitled "An act to amend the Code of Criminal Procedure relative to the persons who may be present during the sessions of a grand jury" (Int. No. 450), was read the second time.

On motion of Mr. Hooker, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1046) entitled "An act to amend the Forest, Fish and Game Law in relation to the compensation of game protectors" (Int. No. 428), was read the second time.

On motion of Mr. F. C. Wood, said bill was placed on the order of third reading and referred to the committee on revision.

The bill (No. 1042) entitled "An act to validate and confirm the reincorporation of certain villages under the Village Law" (Int. No. 57), was read the second time.

On motion of Mr. Pratt, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate bill (No. 377, Assembly reprint No. 1041) entitled "An act to amend the Lien Law in relation to contents of notice of lien" (Rec. No. 64), was read the second time.

On motion of Mr. Cox, said bill was placed on the order of third reading and referred to the committee on revision.

The Senate returned the bill (No. 306, Senate reprint No. 519), entitled "An act to amend chapter 905 of the Laws of 1896, entitled 'An act to incorporate the city of Watervliet,' generally" (Int. No. 289), with a message that they have concurred in the passage of the same with the following amendment:

Page 4, lines 22 and 23, strike out the word "at" and down to and including the word "vote."

Mr. Grattan moved to concur in the Senate amendment.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

AYES 94

NOES 41

Those who voted in the affirmative were:

Agnew	Cox	Hooker	Pendry	Steele
Allen F E	Cunningham	Hubbs	Perry	Stevens
Allen J G	Dowling	Hurd	Phillips	Tenjost
Apgar	Etzel	Knapp	Plank	Thompson G F
Bass	Evans	La Rue	Pratt	Thonet
Bedell	Fish	Leggett	Prentice	Waddell
Beihlf	Foelker	Lewis	Reeve	Wade
Bisland	Foster	Maier	Rigby	Wadsworth
Brady	Francisco	Matthews C R	Rogers	West
Brooks	Freidel	Mead	Santee	Wemple

Burnett	Gardner	Miller	Shoeneck	Whitney F G
Cadin	Gates	Monroe	Sheldon	Whitney G H
Callahan	Grattan	Moreland	Shuttleworth	Wilsnack
Carrier	Gray	Murphy	Slocum	Wilson
Charles E E	Hammond	Newton	Smith A P	Wood F C
Coon	Hanford	Ogden	Smith J E	Wood F X
Cotton	Hapeman	O'Neill	Smith J T	Yale
Coutant	Hartman	Parker	Standart	Young
Cowan	Hastings	Patton	Stanley	

Those who voted in the negative were:

Anderson	Dodd	Hornidge	Prince	Smith A E
Bird	Donovan	La Fetra	Quinn	Smith R H
Burns	Ellis	Machacek	Reilly	Sullivan
Burzynski	Fitzsimons	Malloy	Rosenstein	Thompson J A
Byrne	Fuller	Mathews T F	Sammon	Tompkins
Cahn	Grady	McKeown	Shanahan	Wagner
Caughlan	Gurnett	Nugent	Sheehy	Wedemeyer
Cooke	Hackett	Palmer	Sherry	Wiegand
Dale				

Ordered, That the Clerk return said bill to the Senate, with a message that the Assembly have concurred in the amendment of the Senate thereto.

Mr. Ogden offered for the consideration of the House, a resolution, in the words following:

Resolved, That we, his colleagues, offer our sincere sympathy to Hon. Albert P. Beebe, of Monroe, in the bereavement which he has suffered in the death of his wife.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Mr. Leggett offered for the consideration of the House a resolution, in the words following:

Resolved (if the Senate concur), That a respectful message be sent to the Governor, requesting the return to the Assembly of Assembly bill No. 441, entitled "An act to amend chapter 744 of the Laws of 1904, entitled 'An act to authorize the treasurer of Niagara county to sell property for unpaid taxes,' in relation to the expense of publishing tax sales in Niagara county" (Int. No. 129), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk deliver said resolution to the Senate and request their concurrence therein.

Mr. Wadsworth offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on affairs of cities be discharged from the further consideration of Assembly bill No. 938, entitled "An act to provide for annual reports by and the examination of accounts of counties, cities of the second and third classes and villages having a population of 3,000 or more, the tabulation of comparative statistics as to the cost of maintaining the various branches of government in such municipalities and making an appropriation therefor" (Int. No. 809), and that said bill be referred to the committee on ways and means.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

The Senate sent for concurrence a resolution, in the words following:

Resolved (if the Assembly concur), That a respectful message be sent to the Governor, requesting the return to the Senate of Senate bill No. 119, entitled "An act to legalize the bonds issued by 'the school district of the city of Amsterdam,' amounting to the sum of \$106,600, for the purpose of defraying the expense of acquiring sites and erecting new school buildings in said district and to provide for the payment of the principal and interest of said bonds" (Rec. No. 53), for the purpose of amendment.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

Also, the following:

Resolved (if the Assembly concur), That Senate bill No. 352, entitled "An act to amend chapter 264 of the Laws of 1838, entitled 'An act to incorporate the village of Kinderhook, in the county of Columbia,' relative to the boundaries of said village" (Rec. No. 54), be returned to the Governor.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative.

Ordered, That the Clerk return said resolution to the Senate, with a message that the Assembly have concurred in the passage of the same.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 145, entitled "An act to amend chapter 975 of the Laws of 1895, entitled 'An act to divide the town of Watervliet, in the county of Albany, and to erect the town of Colonie out of the part set off from the said town of Watervliet,' in relation to a part of the westerly boundary of said town" (Int. No. 2), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution returning to the Governor Assembly bill No. 3, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to changing the westerly boundary line of said city, and paying a portion of the expense of improving and keeping in repair the highway forming such westerly boundary line" (Int. No. 3), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said bill to the Governor.

The Senate returned the concurrent resolution recalling from the Governor, for the purpose of amendment, Assembly bill No. 441, entitled "An act to amend chapter 744 of the Laws of 1904, entitled 'An act to authorize the treasurer of Niagara county to sell property for unpaid taxes,' in relation to the expense of publishing notice of tax sales in Niagara county" (Int. No. 129), with a message that they have concurred in the passage of the same.

Ordered, That the Clerk deliver said resolution to the Governor.

A communication from the Governor was received and read, in the words following:

STATE OF NEW YORK—EXECUTIVE CHAMBER,

ALBANY, *March 7, 1905.*

*To the Assembly:*

Pursuant to concurrent resolution of the Senate and Assembly, herewith is returned for amendment Assembly bill No. 221, entitled "An act to provide for the building of a bridge or the re-



constructing and repairing of an existing bridge across the Chemung river in the city of Elmira, and to authorize the issue of bonds by said city to pay the expense thereof." (Int. No. 221.)

FRANK W. HIGGINS.

The Senate returned the bill (No. 630) entitled "An act to amend the University Law relating to the number of Regents necessary to constitute a quorum" (Int. No. 495), with a message that they have concurred in the passage of the same without amendment.

Ordered, That the Clerk deliver said bill to the Governor.

On motion of Mr. Rogers, the House adjourned.

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WEDNESDAY, MARCH 8, 1905.

The House met pursuant to adjournment.

Prayer by Rev. William R. Charles.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with and the same was approved.

The privileges of the floor were extended to Hon. Frederick Brill, Mr. H. B. Odell and Hon. John Orr.

The Senate sent for concurrence the following entitled bills:

"An act to amend the Penal Code in relation to the abandonment of children" (No. 139, Rec. No. 119), which was read the first time and referred to the committee on codes.

"An act amending chapter 223 of the Laws of 1890, empowering town boards in Orleans county to raise money for the rental of Grand Army post rooms" (No. 610, Rec. No. 120), which was read the first time and referred to the committee on internal affairs.

"An act to provide for the adoption of uniform text-books for use in the public schools of St. Lawrence county" (No. 61, Rec. No. 121), which was read the first time and referred to the committee on public education.

Mr. E. E. Charles introduced a bill entitled "An act to amend the County Law relative to deputy county treasurers in certain counties" (Int. No. 955), which was read the first time and referred to the committee on internal affairs.

Mr. Coutant introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Albert Snyder against the State of New York for damages alleged to have been sustained by him in the construction of a State road in the town of Saugerties, Ulster county, N. Y." (Int. No. 956), which was read the first time and referred to the committee on claims.

Mr. Knapp introduced a bill entitled "An act to amend the Town Law relating to appeals from town board to board of supervisors" (Int. No. 957), which was read the first time and referred to the committee on internal affairs.

Mr. Plank introduced a bill entitled "An act to amend the Forest, Fish and Game Law relative to close season in St. Lawrence river" (Int. No. 958), which was read the first time and referred to the committee on fisheries and game.

Mr. Reeve introduced a bill entitled "An act to amend chapter 130 of the Laws of 1897, entitled 'An act to provide for the application and distribution of receipts from premiums collected, and to be collected from foreign fire insurance companies doing business in the State under and pursuant to chapter 604 of the Laws of 1886, on insurance on property in the village of Patchogue, Suffolk county'" (Int. No. 959), which was read the first time and referred to the committee on insurance.

Mr. Rigby introduced a bill entitled "An act to amend chapter 182 of the Laws of 1892, entitled 'An act to incorporate the city of Mount Vernon,' so as to relieve the annual tax levy from the burden of collecting delinquent taxes, reimburse the city for advances against assessments, and to regulate and legalize tax notices" (Int. No. 960), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 182 of the Laws of 1892, entitled 'An act to incorporate the city of Mount Ver-

non' ” (Int. No. 961), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled “An act to provide for the construction and maintenance of a sanitary trunk sewer and sanitary outlet sewer in the county of Westchester, and to provide means for the payment therefor ” (Int. No. 962), which was read the first time and referred to the committee on general laws.

Mr. J. E. Smith introduced a bill entitled “An act to amend chapter 478 of the Laws of 1893, entitled ‘An act to incorporate the city of Olean,’ generally ” (Int. No. 963), which was read the first time and referred to the committee on affairs of cities.

Mr. Wemple introduced a bill entitled “An act to provide a purchasing agent for the county of Schenectady, in regulating the management of said office ” (Int. No. 964), which was read the first time and referred to the committee on internal affairs.

Mr. Rosenstein introduced a bill entitled “An act authorizing the board of education of the city of New York to provide for the construction of swimming pools and the employment of instructors thereat ” (Int. No. 965), which was read the first time and referred to the committee on affairs of cities.

Mr. Burnett introduced a bill entitled “An act to amend chapter 360 of the Laws of 1897, entitled ‘An act to incorporate the city of Geneva,’ in relation to the location of tracks of street surface railroads ” (Int. No. 966), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled “An act to grant to the city of Geneva all the interest of the people of the State of New York in certain lands formerly under the waters of Seneca lake, but which have been partially filled in, for the purpose of a public park, and to provide for acquiring interests of abutting owners ” (Int. No. 967), which was read the first time and referred to the committee on ways and means.

Mr. Cadin introduced a bill entitled “An act to amend chapter 858 of the Laws of 1867, relative to the time of filing statement of unpaid taxes by the county treasurer of Onondaga county ”

(Int. No. 968), which was read the first time and referred to the committee on internal affairs.

Mr. Caughlan introduced a bill entitled "An act authorizing the police commissioner of the city of New York to rehear the charges upon which James Quigley, formerly a patrolman in the police department of said city, was dismissed from said department and to reinstate him in his former position" (Int. No. 969), which was read the first time and referred to the committee on affairs of cities.

Mr. Miller introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the hunting of deer on Long Island" (Int. No. 970), which was read the first time and referred to the committee on fisheries and game.

Mr. Ogden introduced a bill entitled "An act to amend chapter 581 of the Laws of 1901, entitled 'An act to authorize the construction and maintenance of a public market or markets in the city of Rochester, and the location and acquisition of grounds therefor, and to provide for the maintenance thereof'" (Int. No. 971), which was read the first time and referred to the committee on affairs of cities.

Mr. Wagner introduced a bill entitled "An act to amend chapter 531 of the Laws of 1884, entitled 'An act in relation to the office of the register of the city and county of New York'" (Int. No. 972), which was read the first time and referred to the committee on affairs of cities.

Mr. Gurnett introduced a bill entitled "An act to authorize the improvement of the channel of the Chemung canal and the channel of Catharine creek from Seneca lake to and through the vilage of Montour Falls in the county of Schuyler, and making an appropriation therefor" (Int. No. 973), which was read the first time and referred to the committee on ways and means.

Mr. Leggett introduced a bill entitled "An act to amend chapter 722 of the Laws of 1894, entitled 'An act to incorporate the Niagara, Lockport and Ontario Power Company,' relative to limiting the amount of water to be taken from the Niagara river, requiring the company to furnish electric power to consumers

at fixed rates, extending the territory in which power may be sold, defining its powers of condemnation, striking out the right to sell water for municipal purposes, removing limitation of capital stock, authorizing changes in the number of directors, conforming the act in certain particulars to the general laws of the State and otherwise" (Int. No. 974), which was read the first time and referred to the committee on electricity, gas and water supply.

Mr. Moreland introduced a bill entitled "An act to amend chapter 198, entitled 'An act to provide for the improvement of the public highways,' by providing for the construction thereunder of highways approved by the State Engineer, but for which money is not immediately available to pay the State's share of the cost" (Int. No. 975), which was read the first time and referred to the committee on internal affairs.

Mr. Agnew introduced a bill entitled "An act to establish a commission to regulate the taking of sources of water supply by any civil division of the State, to be known as the State Water Supply Commission, and for an investigation by said commission of the available natural water supplies of the State, and the existing systems of water supply and sewage systems of the various municipalities of the State and to report upon the same to the next Legislature, and making an appropriation therefor" (Int. No. 976), which was read the first time and referred to the committee on ways and means.

Also, a bill entitled "An act to amend the Labor Law relative to the issuance of employment certificates for employees in factories and mercantile establishments" (Int. No. 977), which was read the first time and referred to the committee on labor and industries.

Also, a bill entitled "An act to amend the Labor Law relative to the evidence of age of minor employees in factories, mercantile and other establishments" (Int. No. 978), which was read the first time and referred to the committee on labor and industries.

Mr. Stanley introduced a bill entitled "An act to authorize the Supreme Court to hear and determine any application made



to revise and correct the first separate report of the commissioners of appraisal appointed in proceedings instituted by the city of New York to acquire title to lands for St. Nicholas Park and to grant in respect thereto such relief as may be just and equitable" (Int. No. 979), which was read the first time and referred to the committee on the judiciary.

Mr. G. F. Thompson introduced a bill entitled "An act to amend chapter 120 of the Laws of 1886, entitled 'An act to revise the charter of the city of Lockport,' and the several acts amendatory thereof and supplemental thereto relating to the salaries of certain city officers" (Int. No. 980), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 120 of the Laws of 1886, entitled 'An act to revise the charter of the city of Lockport,' and the several acts amendatory thereof and supplemental thereto, relating to the disposition of the tax paid in such city by agents or foreign fire insurance corporations" (Int. No. 981), which was read the first time and referred to the committee on affairs of cities.

Mr. Everett introduced a bill entitled "An act to erect the county of the Bronx from the territory now comprised within the limits of the borough of the Bronx in the city of New York as constituted by chapter 378 of the Laws of 1897 and all acts amendatory thereof and supplemental thereto" (Int. No. 982), which was read the first time and referred to the committee on the judiciary.

By unanimous consent,

Mr. T. F. Mathews introduced a bill entitled "An act to amend the Banking Law, relative to offices and agencies of foreign trust companies" (Int. No. 983), which was read the first time and referred to the committee on banks.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Cadin, Int. No. 618, entitled "An act to amend the Election Law relative to the length of time certain papers shall be kept on file by the county clerk" (No. 684), reported in favor of the passage of the same without

amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Freidel, Int. No. 687, entitled "An act to amend chapter 642 of the Laws of 1892, entitled 'An act increasing the number of surrogates in the surrogate's court for the city and county of New York, and prescribing their powers and duties,' in relation to the salaries and payment of the same of recording clerks" (No. 775), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Cadin, Int. No. 619, entitled "An act to amend the Primary Election Law relative to the length of time certain papers shall be kept on file by the custodian of primary records" (No. 685), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Hartman, Int. No. 714, entitled "An act to equalize the salaries of the attendants and messengers of the surrogate's court in the county of New York with the salaries of the attendants of the Supreme Court in the First Judicial District and the Appellate Division thereof in the First Department" (No. 800), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Standart, Int. No. 764, entitled "An act to amend chapter 369 of the Laws of 1895, entitled 'An act creating a commissioner of jurors for each county of the State having a certain population, and regulating and prescribing his duties; also providing in what manner jury lists shall be made up and jurors drawn and notified in the courts of record in such counties, and how they may be exempt or excused, and the length of service of such jurors,' and the acts amendatory

thereof, in relation to the qualifications of jurors" (No. 879), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the bill introduced by Mr. Perham, Int. No. 497, entitled "An act to amend the Code of Civil Procedure with respect to the city court of the city of New York, and providing for the election of additional judges of said court" (No. 542), reported in favor of the passage of the same with the following amendments:

After the word "court" in last line of title strike out the period and insert the words "and for an appellate term of said court."

Page 1, line 5, after the word "duties" insert the words "and salary."

Page 2, line 10, after the word "able" insert the words "the annual salary of each justice of the city court of the city of New York shall be twelve thousand dollars."

Page 3, line 6, at end of line insert the words "The clerks, deputy clerks, assistant clerks, interpreters and attendants of the city court of the city of New York are each entitled to the salary fixed and payable as prescribed by law."

Page 13, line 16, at beginning of line insert a bracket, and at end of line 14 insert a bracket.

Same page, line 21, bracket out "21" and insert "20."

Page 14, line 3, after section mark bracket out "22" and insert "21."

Same page, same line, before the word "The" insert a bracket.

Same page, line 6, after the word "law" insert a bracket.

Same page, line 16, after section mark bracket out "23" and insert "22."

Same page, line 25, after section mark bracket out "24" and insert "23."

Page 15, line 14, after beginning of line strike out section mark and figures "25" and insert "Section two."

R. J. FISH,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Brackett, Rec. No. 90, entitled "An act to amend chapter 441 of the Laws of 1899, entitled 'An act to create a commissioner of jurors in the several counties of this State,' as amended by section 1 of chapter 201 of the Laws of 1903" (No. 448), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Davis, Rec. No. 59, entitled "An act to amend chapter 909 of the Laws of 1896, entitled 'An act in relation to the elections, constituting chapter 6 of the general laws,' and the several acts amendatory thereof and supplemental thereto, in relation to the office of commissioner of elections in the county of Erie" (No. 188), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Brackett, Rec. No. 40, entitled "An act to authorize the Comptroller of the State of New York to hear and determine the application of Charles S. Latham for the cancellation of tax sales of subdivision 1 of lot No. 2 of Great Lot No. 4 of the Twenty-fourth allotment of the patent of Kayaderosseras, situated in the town of Corinth in the county of Saratoga" (No. 200), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Brackett, Rec. No. 42, entitled "An act to amend section 10 of the General Corporation Law (chapter 35 of the general laws) with respect to the limitation of powers of a corporation" (No. 15), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.



Mr. Fish, from the committee on the judiciary, to which was referred the Senate bill introduced by Mr. Raines, Rec. No. 36, entitled "An act to amend section 20 of chapter 420 of the Laws of 1897, constituting chapter 51 of the general laws, in respect to the continuance of said partnership or business name" (No. 245), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Burnett, Int. No. 257, entitled "An act to empower the city of Geneva to borrow money for the payment of certain street improvements and expenses incurred in the extension of the sewer system of said city, and issue bonds therefor" (No. 257), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Wemple, Int. No. 814, entitled "An act to authorize the city of Schenectady to borrow money and issue the bonds of said city therefor, for the purpose of purchasing the buildings and premises now used, occupied and owned by the Hospital Association of said city and for the repairing and renovation of said buildings and premises" (No. 943), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hartman, Int. No. 187, entitled "An act to amend the Greater New York charter, in relation to the general school fund" (No. 187), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Wade, Int. No. 882, entitled "An act to amend chapter 84 of the Laws of 1886, entitled 'An act to incorporate the city of Jamestown,' in relation to the



police justice" (No. 1035), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. R. H. Smith, Int. No. 64, entitled "An act in relation to the widening and improvement of One Hundred and Thirty-fifth street west of St. Nicholas avenue, in the city of New York" (No. 64), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Grattan, Int. No. 791, entitled "An act to amend chapter 671 of the Laws of 1892, entitled 'An act to revise, consolidate and amend the several acts relating to the government of the city of Cohoes,' in relation to commissioners of deeds in said city" (No. 914), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. McManus, Int. No. 607, entitled "An act to amend the Greater New York charter, relative to the remission of fines by the city magistrates and justices of special sessions" (No. 673), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Fish, Int. No. 506, entitled "An act to amend one section of chapter 225 of the Laws of 1901, entitled 'An act to incorporate the city of Oneida,' as amended by chapter 273 of the Laws of 1904, in relation to special elections" (No. 555), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Thonet, Int. No. 796, entitled "An act to amend chapter 531 of the Laws of 1884, enti-

tled 'An act in relation to the office of the register of the city and county of New York,' in relation to the compensation of copyists or folio writers" (No. 918), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Prentice, Int. No. 761, entitled "An act to amend the Greater New York charter in relation to probation officers" (No. 876), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Stevens, Int. No. 699, entitled "An act to repeal chapter 389 of the Laws of 1903 and chapter 629 of the Laws of 1904, relating to the municipal improvements commission of the city of Troy" (No. 786), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Friedel, Int. No. 666, entitled "An act to amend section 727 of the Greater New York charter, relative to the power of the fire commissioner" (No. 754), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hammond, Int. No. 885, entitled "An act in relation to certain assessments for local improvements in the city of Syracuse" (No. 1038), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Cox, Int. No. 889, entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An

act to revise the charter of the city of Buffalo' and the acts amendatory thereof and supplementary thereto, relating to the public school teachers' retirement fund" (No. 1071), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Tenjost, Int. No. 808, entitled "An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo' in relation to the position of storekeeper in the fire department of said city" (No. 937), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hammond, Int. No. 915, entitled "An act in relation to certain assessments for local improvements in the city of Syracuse" (No. 1096), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was recommitted the bill introduced by Mr. G. F. Thompson, Int. No. 626, entitled "An act to amend the charter of the city of Lockport, generally" (No. 904), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was recommitted the bill introduced by Mr. Gardner, Int. No. 572, entitled "An act to provide for public improvements in the city of Troy upon and in relation to Prospect Park and the waterworks of said city" (No. 628), retaining its place on the order of second reading, reported in favor of the passage of the same without amendment, which report was agreed to and said bill ordered restored to its place on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hammond, Int. No. 589, entitled "An act to revise the charter of the city of Syracuse" (No. 733), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 2, line 4, after "reservation" insert "to its intersection with the northerly line of Manlius street; thence along the said northerly line of Manlius street."

Page 3, line 4, strike out "easterly" and insert "westerly."

Same page, lines 24 and 25, strike out "south line of the Onondaga salt springs reservation aforesaid" and insert "southerly line of Bellevue avenue."

Same page, line 25, strike out "south" and insert "southerly."

Same page, line 26, strike out "said reservation" and insert "Bellevue avenue," also strike out "northwest corner" and insert "west line."

Page 4, lines 19 to 25, strike out all after "thence" in line 19 down to and including "east" in line 25, and insert "along the southerly bounds of said Saint Agnes' cemetery, as now constituted."

Page 6, line 10, strike out "execution of" and insert "administration of the."

Page 7, lines 20 and 21, strike out "center" and insert "northerly line."

Same page, line 21, strike out "center" and insert "northerly line."

Page 8, line 7, strike out "center" and insert "northerly."

Same page, line 21, after "along" insert "the."

Page 9, line 9, strike out "southeasterly" and insert "southwesterly."

Page 11, line 9, strike out "line."

Page 13, line 9, strike out "and."

Page 14, line 7, after "avenue" insert " ; thence southwesterly along the center line of Cortland avenue," also strike out "line."

Same page, line 9, strike out "line."

Page 15, line 15, strike out "line."

Same page, lines 15 and 17, strike out "a point opposite."

Same page, line 25, strike out "line."

Page 16, line 19, strike out "street" and insert "streets."

Same page, line 22, strike out "line."

Same page, line 24, strike out "line."

Page 17, line 1, strike out "line."

Page 18, line 6, strike out "13 creek improvement."

Same page, lines 7 to 11, strike out "14" and insert "13," strike out "15" and insert "14," strike out "16" and insert "15," strike out "17" and insert "16," strike out "18" and insert "17."

Same page, line 13, strike out "they" and insert "it."

Same page, line 16, strike out "they" and insert "it."

Same page, line 19, strike out "they" and insert "it."

Page 20, line 18, after "gas" insert ", heating."

Page 21, line 3, strike out "next" and insert "general."

Same page, line 12, after "regulate" insert "the grade of and;" also, strike out "or" and insert "in and;" also, strike out "in" and insert "of."

Same page, line 13, strike out "gutter stones" and insert "gutters."

Same page, line 18, after "water" insert ", heating."

Page 22, line 8, after "flushing" insert "sprinkling."

Same page, line 9, after "by" insert "and at the expense of."

Same page, line 14, after "expense" insert "therefrom."

Page 23, line 19, strike out "others" and insert "the."

Same page, line 20 to 21, strike out "or steam railroad."

Same page, line 21, after "city" strike out the comma and insert "; to establish reasonable regulations as to speed on any steam railroad within the city;" also, after "to" insert "establish reasonable regulations as to the keeping of a flagman or maintaining gates by any street surface or steam railroad."

Same page, strike out all of line 22.

Same page, line 23, strike out "each" and insert "any."

Page 27, line 24, strike out "company" and insert "companies."

Page 29, line 24, after "thereof" insert "by any person except a duly incorporated steam railroad."

Page 30, line 25, after "hotel" insert "lodging house."

Page 32, line 22, strike out "public" and insert "party."

Pages 33 and 34, strike out all of section 13.

Page 34, line 25, strike out "14" and insert "13."

Page 35, line 5, after "thereof" insert "in its name or in his name of office."

Same page, line 10, after "city" insert "or officer."

Same page, line 13, strike out "15" and insert "14."



Same page, lines 21 and 22, strike out beginning "such" on line 21 down to and including "stated" in line 22.

Same page, line 23, strike out "first assistant" and insert "deputy."

Page 36, line 4, strike out "16" and insert "15."

Same page, line 14, strike out "17" and insert "16."

Same page, line 16, strike out "affects" and insert "effects."

Same page, line 24, after "rules" insert ", remedies."

Page 37, line 4, strike out "18" and insert "17."

Page 39, line 14, after "wilful" strike out the comma.

Same page, line 25, strike out "such law" and insert a comma.

Page 41, line 17, strike out the comma.

Page 44, line 21, after "department" insert a comma.

Page 45, line 5, after "accepted" insert a comma.

Page 46, line 13, strike out all after "improvement."

Same page, line 16, strike out "collected" and insert "collected."

Page 47, line 18, after "closing" strike out "of" and insert "or otherwise improving."

Page 49, line 8, after "to" insert "be."

Page 50, line 11, strike out "and verified."

Page 51, line 22, strike out "two weeks" and insert "ten days."

Same page, line 26, strike out "ten" and insert "five."

Page 52, line 5, strike out "and verified."

Same page, line 9, strike out "two weeks" and insert "ten days."

Same page, line 14, strike out "two weeks" and insert "ten days."

Page 54, line 3, strike out "grades" and insert "course."

Same page, strike out all beginning with "in case" in line 20 down to and including "council" in line 25.

Page 55, line 3, after "also" insert "upon all other property owners and persons interested."

Same page, line 11, strike out "two weeks" and insert "ten days."

Same page, line 15, strike out "and verified."

Same page, line 20, strike out "two weeks" and insert "ten days."

Page 58, line 2, strike out "assignment" and insert "assessment."

Same page, line 19, strike out "and" and insert "or."

Same page, line 22, strike out "repairing said" and insert "reconstructing side."

Page 61, line 10, strike out "two weeks" and insert "ten days."

Same page, line 14, strike out "verified" and insert "subscribe."

Same page, line 18, strike out "two weeks" and insert "ten days."

Page 64, line 24, after "therefrom" insert "or for any other purpose."

Same page, line 25, before word "ordinance" insert "or general;" also, after word "council" strike out "and" and insert "or permit, in writing, of the commissioner of public works;" also, after "conditions" strike out "and."

Same page, line 26, strike out "as shall be therein prescribed" and insert "which shall require the portion so torn up to be restored and maintained in a proper condition and state of repair during the life of said pavement."

Page 66, line 23, strike out "or" and insert "on."

Page 67, line 1, strike out the semicolon and insert a comma.

Page 69, line 4, strike out "and" and insert a comma.

Same page, line 10, after "may" insert a comma; also after "discretion" insert a comma.

Page 70, line 20, after "may" insert a comma; also after "discretion" insert a comma.

Page 71, line 9, after "retired" strike out the comma and insert a period; also strike out "not exceeding however" and insert "Such certificates shall be retired within."

Page 72, line 26, strike out the comma and insert "for."

Page 73, line 10, after "advisable" insert a comma.

Page 78, line 20, after "taken" insert ", damaged."

Page 79, line 5, after "them" insert a comma.

Page 82, line 3, strike out "a majority of them."

Page 92, line 18, strike out "thereon" and insert "therein."

Page 93, line 13, strike out "for" and insert "upon."

Page 94, line 4, after "paving" insert "or grading."

Page 95, line 14, strike out "160. Fire marshal, powers and duties" and insert "156. Removal of buildings; investigation as to origin of fires."

Same page, strike out "investigation as to origin of fires" and insert "superintendent of buildings, powers and duties."

Same page, line 17, strike out "fire marshal" and insert "superintendent of building."

Same page, line 20, strike out "fire marshal" and insert "superintendent of building."

Same page, strike out all of lines 24, 25 and 26.

Page 96, strike out lines 1 to 5 inclusive.

Same page, lines 6 to 11, strike out "180," "181," "182," "183," "184," "185" and insert "172," "173," "174," "175," "176" and "177" respectively.

Same page, strike out all of line 12.

Same page, lines 13 to 23, strike out numbers of sections from 187 to 196 inclusive and insert 178 to 187 inclusive.

Page 97, line 4, strike out "he shall appoint to hold office during his pleasure, a" and insert "whenever a vacancy occurs in the offices of."

Same page, line 5, after "officer" insert "he shall appoint their successors."

Same page, line 9, after "state" strike out "and" and insert "also in accordance."

Same page, line 10, strike out "not inconsistent with" and insert "except where provision is made therefor by."

Same page, line 11, strike out "the" and insert "this."

Page 98, line 22, strike out "such."

Same page, line 23, before "punished" insert "removed or otherwise."

Page 99, line 5, after "leave" insert "but no deduction shall be made on account of."

Same page, same line, after "time" strike out the comma and insert "by reason of."

Same page, line 6, after "mental" insert a period and strike out the balance of the section.

Same page, line 14, strike out "awards" and insert "rewards."

Same page, line 15, after "information" insert a comma.

Page 101, after "therein" insert "and to."

Page 102, line 11, after "of" insert a comma.

Same page, line 18, after "supervision" strike out "prescribed" and insert "the chief of police may prescribe."

Page 104, line 24, after "person" insert a comma.

Same page, line 25, after "ordinance" insert a comma.

Page 107, line 1, after "provided" insert "such."

Same page, line 2, strike out "to be approved by said" and insert "as the;" also, after "commissioner" insert "may require."

Same page, line 14, strike out "not to exceed two."

Same page, lines 16 and 17, strike out "where machinery and scenery are in use."

Page 109, line 8, strike out "nitra" and insert "nitro."

Page 111, line 14, beginning with "fireworks" strike out the balance of the section "no fireworks of any character whatever, which contain dynamite, giant power, nitro-glycerine, dualin or other explosives more powerful than ordinary black gunpowder shall be sold, offered for sale, distributed, given away or possessed for use in said city. No person shall sell, offer for sale, distribute, give away or possess for use in said city any toy cannons, blank cartridge pistols or blank cartridges for use in said city. No person shall place any torpedo upon any street car track in said city. No fireworks shall be sold or offered for sale at retail for use in said city except between the tenth day of June and sixth day of July in each year and then only under such reasonable regulations as said commissioner may prescribe and under a permit issued by him therefor."

Page 115, line 12, after word "company" insert ", whether domestic or."

Page 116, line 12, strike out "fire."

Page 118, line 9, strike out "except."

Page 119, line 14, strike out "the."

Same page, after line 25, insert a section to be known as section 156, as follows:

§ 156. When any building shall be on fire it shall be lawful for the commissioner of public safety or the acting chief of the fire department to order and direct the same or any building which he may deem hazardous, and likely to take fire, or to convey fire to other buildings to be pulled down or otherwise destroyed. It shall be the duty of the chief of the fire department to investigate, examine and inquire into the origin, details and managements of fires in the city and also of any supposed case of violation of any of the several regulations, orders or special directions issued by the commissioner of public safety for the purpose of the discovery of any delinquency in the performance of duty or violation of discipline on the part of any officer, agent or employee of the fire department or any supposed case of arson or incendiarism which may be brought to his notice. He shall have power to issue a notice in the nature of a subpoena in such form and subscribed in such manner as the commissioner of public safety shall prescribe to compel the attendance of any



person before him to testify in relation to any matter which is a subject of inquiry and investigation. And said chief of the fire department shall be and hereby is authorized to administer oaths and affirmations to persons appearing as witnesses before him and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punishable as such. Upon the presentation of satisfactory proof of due service of any such notice in the nature of a subpoena upon any such witness and the failure of said witness to obey the same, it shall be the duty of the commissioner of public safety to make an order that the said witness be arrested and brought before said chief of the fire department to testify what said witness may know in relation to the subject matter of inquiry. Said order may be executed by any member of the police force by arresting and bringing such witness before said chief of the fire department, but such witness shall not be detained longer than is necessary to take such testimony. It shall be the duty of the commissioner of public safety to supervise and direct whenever he shall deem it necessary such investigation, examinations and proceedings and to make all needful and proper rules and regulations in relation thereto. The chief of the fire department, under the general supervision and direction of the commissioner of public safety shall have jurisdiction and authority to enforce all laws, ordinances, rules and regulations relative to the storage, disposition and sale of all combustibles, inflammables and explosives of every name and nature in said city and is hereby charged with the performance of such duty.

Page 120, strike out "§ 160" and insert "§ 161;" also strike out all of lines 1 and 2 and on line 3 all up to and including the word "marshal" and insert in place thereof "The commissioner of public safety shall appoint a superintendent of building, who."

Same page, line 5, after the word "of" insert "not less than."

Same page, line 6, strike out "two" and insert "four."

Same page, line 7, strike out "fire marshal" and insert "superintendent of building."

Same page, line 13, after the word "thereto" strike out all of line.

Same page, strike out line 14.

Same page, line 15, strike out to and including the word "city."

Same page, line 17, strike out "fire marshal" and insert "superintendent."



Same page, line 26, in word "equipping" strike out letter "p."

Page 121, strike out all of line 1 after the word "structure."

Same page, line 13, strike out "fire."

Same page, line 14, strike out "marshal" and insert "superintendent."

Same page, line 18, strike out comma.

Same page, after the word "prescribed" strike out also all of lines 22, 23, 24, 25.

Page 122, strike out all of lines 1, 2, 3, 4, 5, 6.

Same page, line 7, strike out all to and including "owner."

Same page, line 8, strike out "fire marshal" and insert "superintendent."

Same page, line 25, strike out "fire."

Same page, line 26, strike out "marshal" and insert "superintendent."

Page 123, line 6, strike out "fire marshal" and insert "superintendent."

Same page, line 7, after "required" insert "The commissioner of public safety may prescribe all needful and proper rules and regulations relative to the duties of the office of superintendent of building and the manner of performing the same."

Same page, strike out all of line 7 after the word "required."

Same page, strike out all of lines 8, 9, 10, 11, 12.

Same page and page 124, strike out all of section 161.

Page 125, line 1, strike out "thereof" and insert "hereof;" also enclose "building code" in quotations.

Same page, line 2, after "when" insert comma; also after the word "adopted" insert comma.

Same page, line 2, after the word "city" insert comma.

Same page, line 4, after the word "thereof" insert comma.

Same page, lines 10 and 11, strike out "fire marshal" and insert "superintendent of building;" also, line 11, strike out "the" and insert "his."

Same page, line 12, strike out "fire marshal" and insert "superintendent or."

Same page, line 18, strike out "or."

Same page, lines 19 and 20, strike out "fire marshal" and insert "superintendent."

Page 126, line 3, after the word "flooring" insert a comma and the words "the estimated cost of the proposed erection, construction or alteration."

Same page, line 9, after the word "same" insert "In case the proposed erection, construction or alteration shall not involve an expenditure exceeding one thousand dollars, the superintendent of building may, in his discretion, in lieu of the aforesaid statement, permit the filing of a descriptive statement thereof, in such form as he may prescribe."

Same page, lines 18 and 19, strike out "fire marshal" and insert "superintendent;" also, line 19, after the word "marshal" insert "In case plumbing, drainage, electrical wiring or gas piping is involved in said work, no permit covering the same shall be granted by the superintendent of building until such statement as to plumbing and drainage shall have been approved by the health officer, and as to electrical wiring and gas piping by the electrical inspector."

Same page, line 21, after the word "marshal" insert "The other two copies, with the approval of the superintendent of building endorsed thereon, shall be returned to the applicant and at least one of them shall, at all times during the continuance of the proposed work, be kept thereon by the person having charge thereof, accessible and subject to examination and use by the superintendent of building and any other officer of the department of public safety."

Page 127, line 25, strike out "fire marshal" and insert "superintendent of building."

Same page, line 9, strike out "fire marshal" and insert "superintendent."

Same page, line 13, after the word "city" insert "The superintendent of building is hereby authorized to administer oaths and take affidavits and acknowledgments in all matters appertaining to the department of public safety, and for that purpose shall possess all the powers of a commissioner of deeds but shall not be entitled to any of the emoluments."

Same page, line 14, strike out "fire marshal" and insert "superintendent of building."

Same page, line 17, strike out "fire marshal" and insert "superintendent."

Same page, line 21, strike out "fire marshal" and insert "superintendent of building."

Page 128, line 3, after the word "pipe" insert "No plumbing, drainage pipes or gas piping shall be covered or enclosed from view until the same shall have been examined and tested by the

inspector, whose duty it is to examine and test the same, and a certificate of approval of the same has been issued by him.

Same page, lines 7 and 8, strike out "fire marshal" and insert "superintendent of building."

Page 130, line 6, strike out "fire marshal" and insert "superintendent of building."

Same page, line 15, strike out "fire marshal" and insert "superintendent."

Same page, line 18, strike out "fire marshal" and insert "superintendent."

Pages 130, 131, 132, 133, 134, strike out all of sections 171, 172, 173, 174, 175, 176, 177, 178, 179.

Page 134, line 18, strike out "§ 180" and insert "§ 171."

Page 135, line 1, strike out "§ 181" and insert "§ 172."

Same page, line 15, strike out "§ 182" and insert "§ 173."

Same page and page 136, beginning with "183" strike out all to and including "doors." on line 11.

Page 136, line 11, after the word "doors" insert "§ 174."

Same page, line 16, strike out "§ 184" and insert "§ 175."

Same page, line 25, strike out "§ 185" and insert "§ 176."

Page 137, line 4, after the word "arranged" insert "and such precautionary measures shall be adopted and exercised;" also, strike out "fire marshal" and insert "superintendent of building."

Same page, line 11, strike out "fire marshal" and insert "superintendent of building."

Same page, line 15, strike out "such as" and insert "including;" also, after "windows" insert "lights."

Same page, strike out all of lines 18, 19, 20, 21.

Same page, line 22, strike out "§ 186" and insert "§ 177."

Page 138, line 1, strike out "fire marshal" and insert "superintendent of building."

Same page, line 12, strike out "fire marshal" and insert "superintendent of building."

Same page, line 16, strike out "§ 188" and insert "§ 178."

Same page, line 18, before the word "shall" insert "or the building code."

Same page, line 19, strike out "fire marshal" and insert "superintendent of building."

Same page, line 22, strike out "fire marshal" and insert "superintendent of building."

Same page, line 25, strike out "§ 189" and insert "§ 179."

Page 139, line 1, strike out "fire marshal" and insert "superintendent of building."

Same page, line 3, strike out "said" and insert "the."

Same page, line 4, strike out "§ 190" and insert "§ 180."

Same page, line 7, enclose "sanitary code" in quotations.

Page 140, line 1, strike out "§ 191" and insert "§ 181."

Same page, line 11, strike out "§ 192" and insert "§ 182."

Same page, line 23, strike out "fire marshal" and insert "superintendent of building."

Page 141, line 1, strike out "§ 193" and insert "§ 183."

Same page, line 11, strike out "§ 194" and insert "§ 184."

Page 142, line 1, strike out "§ 195" and insert "§ 185."

Same page, line 2, strike out "fire marshal" and insert "superintendent of building."

Same page, lines 18 and 19, strike out "fire marshal" and insert "superintendent of building;" also, line 19, after the word "officer" insert "made under and pursuant to the authority conferred by the provisions of this article, or the building code or sanitary code and."

Page 143, line 10, after the word "provided" insert "The proceeds of any such assessment, when collected, shall be deposited by the treasurer to the credit of the special fund mentioned in the preceding section."

Page 144, line 17, strike out "during its pleasure" and insert "for a term of four years, unless sooner removed for cause."

Same page, line 23, strike out "likewise."

Same page, line 24, strike out the comma and the word "janitors."

Same page, line 26, strike out the comma and the words "subject to the approval of the board."

Page 145, line 1, strike out "of estimate and apportionment;" also, strike out "the" and insert "their."

Same page, line 2, after "compensation" insert "within the appropriations made for each class;" also, strike out "all" and insert "and."

Same page, line 3, strike out the comma and the words "within the appropriations made therefor;" also, after "The" insert "present."

Same page, line 4, strike out "appointees and employees."

Same page, line 5, strike out "the positions to" and insert "their respective offices during the terms for."



Same page, line 6, strike out the comma and insert a period; also, strike out "subject to the tenure of office herein provided."

Page 148, line 19, strike out "principal or."

Same page, line 20, after the word "city" insert a comma and the words "except principals and vice-principals of schools, heads of departments of high schools, special teachers of drawing, music, physical culture, writing, sloyd, stenography and domestic science."

Page 150, line 3, strike out "superintendent" and insert "commissioner;" also, after "works" insert "and he shall appoint the janitors thereof."

Page 161, line 4, strike out "thereof" and insert "of."

Page 163, line 19, strike out "collected" and insert "computed."

Page 164, line 14, after the word "unpaid" insert "by distress and sale."

Page 166, line 8, after "and" insert "in their discretion."

Page 169, line 4, strike out the comma; also, after "herein" insert "notwithstanding that the time limited by law in which any such action."

Page 172, line 25, strike out "sections" and insert "section two hundred and forty-five."

Page 174, line 18, strike out "twenty-five" and insert "fifty."

Same page, line 22, strike out "such."

Page 180, line 26, after "thereof" insert "or certificate of conveyance based thereon."

Page 182, line 6, after "fee" insert a comma.

Page 186, line 3, after the word "be" insert "declared."

Page 187, line 11, after the word "may" strike out the comma; also, strike out "however;" also, after "as" insert "hereinafter;" also strike out "in" and insert a comma.

Same page, line 12, strike out "the next section."

Same page, line 17, after "improvement" insert a comma and the words "but no such proceeding shall be maintained unless a notice, in writing, stating the facts upon which it is based, shall have been served upon the commissioner of public works, and in the determination thereof only matters subsequent to the service of said notice and referred to therein shall be considered."

Page 188, line 2, after "which" insert "may."

Page 192, line 4, after "tax" insert "except a franchise tax."

Same page, line 5, strike out "except a franchise tax."



Same page, line 14, strike out "specifying the reasons therefor" and insert "approved by the board of estimate and apportionment."

Page 193, line 22, after "relief" insert a comma.

Same page, line 26, after the word "paid" insert a comma.

Page 212, line 4, after "thereto" insert the letter "t."

Same page, line 9, after "dollars" insert "in."

Page 213, line 7, to word "fee" add the letter "s."

Same page, line 14, after "of the" insert "court."

Same page, line 23, after "were" insert "taken is."

Page 219, line 5, strike out "municipal" and insert "Municipal;" also, strike out "court" and insert "Court."

Page 223, line 16, strike out "collectable" and insert "collectible."

Page 225, line 7, strike out "Said treasurer of said board is hereby."

Same page, strike out all of lines 8, 9, 10.

Same page, line 11, strike out all to and including "thereof."

Page 230, line 2, strike out "collectable" and insert "collectible."

Same page, line 14, after "condemned" insert "waste."

Same page, line 17, after "article" insert "6. Such proportion of all revenues derived from said city from fees for licenses and permits issued pursuant to law or ordinance of the common council as the board of estimate and apportionment shall determine and appropriate therefor, except such as are issued by an officer or bureau of the department of public safety."

Page 238, line 15, after "article" insert "and property purchased from the proceeds thereof."

Page 244, line 9, after "law" insert "The official bond of the city officer shall not constitute a lien upon the real estate owned by him or his sureties."

Page 247, line 8, strike out "305" and insert "308."

Page 56, line 14, after "sewer" insert a comma and the words "provided, however, that the assessors may, in their discretion, if in their judgment the difference in the amount of benefits received warrant it, establish different assessment areas within the same drainage area, and assess the property situated within such several assessment areas at different pro rata rates per square foot of superficial area, respectively."

Same page, line 2, after "that" insert "corner lots abutting upon more than one street shall be taxed only for the shorter

frontage thereof and the remaining frontage in excess of one hundred feet;" also, after "where" insert "however."

Page 198, line 1, strike out the word "district" and insert "municipal."

Same page, line 2, before the words "justice's court" insert "municipal or."

Same page, line 6, fifth word should be "chattel" instead of "chattels."

Page 199, line 4, after the word "overseer" insert the words "of the poor."

Same page, line 26, in place of the word "one" insert "two."

Page 202, line 2, strike out the word "a" before the word "proceeding" and insert in place thereof "an action or."

Page 203, line 3, after the word "motion" insert a comma.

Page 205, line 15, after the words "justification of sureties" insert a semicolon.

Page 213, line 15, strike out the words "this section" and insert "sections three hundred and forty-nine and three hundred and fifty of this act."

Same page, line 23, insert "is" before the word "entitled."

Page 214, line 22, strike out the word "question" and insert "questions."

Same page, strike out lines 6, 7, 8 and the first three words of line 9 and insert in place thereof "Sections eight to fourteen inclusive of the code of civil procedure, excepting subdivision seven of said section fourteen, and the powers therein conferred on courts of record to punish for contempt, are hereby made applicable to and shall be conferred upon said municipal court and the judges thereof."

Page 217, line 22, after the word "form" insert a comma.

Page 219, line 5, before the word "municipal" and after the word "seal" place quotation marks.

Page 232, line 22, strike out "may" and insert "shall."

Same page, lines 22 and 23, strike out "by a vote of all the trustees."

Page 245, after line 5, insert a new section, as follows:

"§ 504. The city shall not be liable in a civil action for damages or injuries to person or property, or invasion of personal or property rights of any name or nature whatsoever, whether casual or continuing, arising at law or in equity, alleged to have been caused or sustained, in whole or in part, by or because of any omission of duty, wrongful act, fault, neglect, misfeasance

or negligence on the part of the city, or any of its agents, officers or employees, a claim therefor, in writing, verified by the oath of each claimant, containing a statement of the place of residence of each claimant by street and number, if any, otherwise such facts as will disclose such place of residence with reasonable certainty, describing the time when, the particular place where and the circumstances under which the damages or injuries were sustained, the cause thereof and so far as then practicable the nature and extent thereof, shall within three months after the happening of the accident or injury or the occurrence of the act, omission, fault or neglect out of which or on account of which the claim arose be presented to the common council and served upon the mayor or city clerk and notice of intention to commence an action thereon be served upon the corporation counsel nor unless an action shall be commenced thereon within one year after the happening of such accident or injury or the occurrence of such act, omission, fault or neglect; but no action shall be commenced to recover upon or enforce any such claim against the city until the expiration of three months after the service of said notice upon the corporation counsel. No cause of action in equity, existing and accrued prior to April twenty-ninth, nineteen hundred and four, on account of which no claim has been presented and served, as herein provided, or action commenced, shall be maintained against the city unless a claim therefor shall be presented and served and notice of intention to commence an action thereon be served, as provided herein, within three months and an action thereon be commenced within one year after this act shall take effect. Nothing herein contained, however, shall be held to revive any claim or cause of action now barred by any existing requirement or statute of limitation nor to waive any existing limitation now applicable to any claim or cause of action against said city."

Same page, line 6, strike out " § 504 " and insert " § 505."

Same page, line 13, strike out " § 505 " and insert " § 506."

Page 246, line 1, strike out " § 506 " and insert " § 507."

Same page, line 13, strike out " § 507 " and insert " § 508."

Same page, line 16, after " acts " insert a comma and the words " general or special."

Same page, line 20, after " hereby " insert " specifically."

Same page, line 21, strike out " § 508 " and insert " § 509."

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Young, Int. No. 74, entitled "An act to amend the Greater New York charter relative to certain officers of the municipal court of the city of New York" (No. 74), reported in favor of the passage of the same with the following amendment:

Page 3, line 24, place in brackets, beginning with the word "Each," all down to and including the word "term" in line 26.

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. La Fetra, Int. No. 787, entitled "An act to amend chapter 580 of the Laws of 1901, entitled 'An act to authorize and empower the city of New York to establish and maintain a free public library system,' in relation to contracts with the trustees of certain public libraries in the city of New York" (No. 910), reported in favor of the passage of the same with the following amendment:

Page 2, line 17, after the word "empowered" insert the words "in its discretion."

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Hammond, Int. No. 860, entitled "An act to amend chapter 26 of the Laws of 1885, entitled 'An act to revise, amend and consolidate the several acts relative to the city of Syracuse, and to revise and amend the charter of said city,' relative to ward boundaries" (No. 964), reported in favor of the passage of the same with the following amendments:

Page 3, lines 6 and 7, enclose the word "center" in brackets, and after the bracket insert the words "northerly line."

Same page, line 7, enclose the words "the center" in brackets, and after the bracket insert the words "said northerly line."

Same page, line 17, enclose the word "center" in brackets, and after the brackets insert the word "northerly."

Page 6, line 19, enclose the word "line" in brackets.

Page 13, line 23, strike out the word "line."

Same page, line 24, strike out the brackets.

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Patton, Int. No. 781, entitled "An act to revise the several acts relative to the city of Tonawanda" (No. 909), reported in favor of the passage of the same with the following amendments:

Page 4, line 26, add the letter "s" to the word "trustee."

Pages 11 and 12, the two pages are transposed. Insert pages in their proper places.

Page 11, line 7, strike out the letter "s" from the word "years."

Page 13, line 9, strike out the word "six."

Page 20, line 22, beginning at the word "but" strike out all the remainder of lines 22, 23, 24 and 25.

Page 28, line 5, after the word "certainty" at beginning of line, add the words "the board of assessors may, in making assessments and preparing assessment rolls, make and prepare the same by streets in consecutive order of numbers."

Page 72, line 6, strike out the word "section" and insert the word "title."

Page 85, line 22, strike out the word "of" and insert the word "or."

Page 88, line 7, strike out the semicolon and insert a comma after the word "interest."

Page 94, line 24, strike out the comma.

Same page, line 25, insert the words "has been" before the word "made" at beginning of line; also, strike out the comma and the word "which" after the word "remedy" and insert the words "and such sale."

Page 95, line 1, strike out the comma and insert a semicolon.



Page 162, line 2, strike out the words "charter takes effect" and insert the words "laws repealed."

Same page, line 2½, insert the words and figures "14. Charter takes effect."

Page 169, line 13, strike out all of lines 13 and 14 and insert the following:

"§ 13. Laws repealed.—Chapter twenty-two of the laws of nineteen hundred and three, entitled 'An act to incorporate the city of Tonawanda' and all acts amendatory thereof and supplemental thereto are hereby repealed, and all statutes of this state and ordinances of the city of Tonawanda, so far as they are inconsistent with the provisions of this act, are hereby repealed, but such repeal shall not affect any right already existing or accrued, or any liability incurred by reason of the violation of any law heretofore existing, or any suit or proceeding already instituted, or action had under the laws or ordinances, unless otherwise expressly provided in this act."

Same page, after insertion of section 13, insert the following:

"§ 14. Charter takes effect.—This act shall take effect immediately."

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Gray, Int. No. 396, entitled "An act to amend chapter 425 of the Laws of 1896, entitled 'An act to amend the charter of the city of Poughkeepsie,' relative to the officers of said city, their duties, etc." (No. 427), reported in favor of the passage of the same with the following amendments:

Page 5, line 25, strike out the word "has" and insert the word "had."

Page 9, line 6, after the word "exhausted" insert a comma.

Page 14, line 8, strike out the word "that" and insert the word "their."

Page 17, beginning at line 21, strike out all on pages 17 and 18 and insert the following:

“ § 201. The following regulations in relation to telegraph, telephone and electric light wires in the streets and avenues of said city are hereby enacted :

“ 1. All telegraph, telephone and electric light wires and cables used in Main street; Mill street, from Clover to Main streets; Cannon street, from Market street to Reservoir square; Market street, from Main to Montgomery streets; Montgomery street, from Market street to Hooker avenue; Church street, from Market to Clinton streets; Washington street, from Main street to Parker avenue; Liberty street; and Garden street, from Main to Mill streets, shall hereafter be placed under the surface of said streets.

“ 2. Every corporation, association or person owning or controlling telegraph, telephone, electric feed wires or other electric wires and cables on said streets, including what is known as telegraph and telephone poles, and other appurtenances thereto, except trolley wires and poles, and poles used for connecting underground or subway wires for the distribution of electric currents—commonly called distributing poles—shall, before the first day of November nineteen hundred and six, have the same removed from above the surface of said streets.

“ 3. In case the owners of the property above enumerated shall fail to comply with the provisions of this section within the time herein specified and limited, the board of public works of said city shall then, and it is hereby directed to remove, without delay, all telegraph, telephone, electric light, electric feed wires, and such other electric wires, cables and poles, except trolley wires and poles, and poles used for connecting underground or subway wires for the distribution of electric currents—called distributing poles—whenever and wherever found above ground, on said streets.

“ 4. The board of public works of said city shall hereafter have like power and control over all such wires and poles above ground on any and all streets and avenues or section of streets and avenues in said city, other than those herein designated, and may from time to time, whenever such board shall determine that such wires and poles have become a menace to public safety in any such street or avenue or section of such street or avenue, make regulations for the removal thereof and the placing of the same beneath the surface of such street or avenue or section of street or avenue. Such regulations shall direct the owners of such wires and poles to remove the same from above the surface of such street or avenue or section of street or avenue, and place the same be-

neath the surface thereof within a certain specified time, which shall not be less than one year nor more than eighteen months from the adoption of such regulations, which regulations shall be published not less than six times in a daily newspaper printed and published in said city. In case the owners of such wires and poles shall fail to comply with such regulations within the time specified and limited therein, the said board shall then, and it is hereby empowered and directed to remove, without delay, all such wires and poles whenever and wherever found above ground on such street or avenue or section of street or avenue designated in such regulations.

“ § 25. This act shall take effect immediately.”

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Burnett, Int. No. 256, entitled “An act to amend chapter 360 of the Laws of 1897, entitled ‘An act to incorporate the city of Geneva,’ generally” (No. 288), reported in favor of the passage of a substitute bill, which report was agreed to and said substitute bill ordered printed and placed on the order of second reading.

(See Appendix, No. 7.)

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Dowling, Int. No. 226, entitled “An act to amend the Greater New York charter relative to the department of correction” (No. 226), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 3, line 25, after the word “follows” strike out all down to and including the word “dollars” in line 5, page 4.

Page 5, line 3, beginning with the word “in” strike out all down to and including the word “office” in line 9.

Same page, line 11, strike out the word “June” and insert the word “January;” also, strike out the word “five” and insert the word “six.”

JEAN L. BURNETT,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Elsberg, Rec. No. 23, entitled "An act to amend chapter 336 of the Laws of 1903, entitled 'An act to provide for the erection of a courthouse in the county of New York and authorizing the acquisition of a site therefor'" (No. 275), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Brackett, Rec. No. 31, entitled "An act to amend title 10 of chapter 371 of the Laws of 1903, entitled 'An act to amend and consolidate the several acts relative to the city of Schenectady,' by adding a new section in relation to street cleaning" (No. 278), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Lewis, Rec. No. 104, entitled "An act to assess the cost and expense of constructing a bridge over the railroad tracks on Main street east, in the city of Rochester, on the property benefited thereby" (No. 394), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Fitzgerald, Rec. No. 95, entitled "An act authorizing the board of estimate and apportionment of the city of New York to make an appropriation for a monument to the memory of the unidentified dead who were victims of the Slocum disaster, and providing for the erection of such monument" (No. 472), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the Senate bill introduced by Mr. Lewis, Rec. No. 103, entitled "An act to amend chapter 347 of the Laws of 1890, entitled 'An act to provide for the payment of the cost and expense of the construction of a trunk sewer on the east side of the Genesee river, in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments,' relating to the collection of assessments and installments thereof" (No. 354), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Hooker, Int. No. 654, entitled "An act to amend the County Law relative to the powers of boards of supervisors" (No. 735), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. F. X. Wood, Int. No. 849, entitled "An act to amend the Highway Law relating to the cutting and removing of weeds and brush and providing for the same when the highway is the boundary line between two or more towns" (No. 990), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. J. G. Allen, Int. No. 222, entitled "An act to amend the County Law, relative to the power of boards of supervisors to tax dogs" (No. 254), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Shuttleworth, Int. No. 357, entitled "An act to provide for the better collection of unpaid assessments for local improvements in the town of West



Seneca, Erie county, N. Y." (No. 357), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Cadin, Int. No. 751, entitled "An act to amend chapter 594 of the Laws of 1899, entitled 'An act authorizing boards of supervisors to acquire the rights, franchises and property of individuals and corporations exacting toll for the use of turnpikes and plankroads and bridges,' relative to the application of said act to the county of Onondaga" (No. 866), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. F. G. Whitney, Int. No. 790, entitled "An act to amend chapter 223 of the Laws of 1890, entitled 'An act to authorize towns to raise money to defray the expenses of the proper observance of Memorial or Decoration day,' relative to the duties of town boards" (No. 913), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Cunningham, Int. No. 753, entitled "An act relating to overseers of the poor in the town of Wawarsing, county of Ulster, fixing their compensation, prescribing their powers and duties, and dividing such town into poor districts" (No. 868), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Wemple, Int. No. 571, entitled "An act to make the office of sheriff of Schenectady county a salaried office, and regulating the management of said office" (No. 626), reported in favor of the passage of the same

without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was referred the bill introduced by Mr. Steele, Int. No. 806, entitled "An act to amend chapter 332 of the Laws of 1890, entitled 'An act to authorize the supervisor, justices of the peace and town clerk, of any town having a population of more than 3,000, to license and regulate all public hacks, vehicles, venders, shows, concerts and public amusements in such town,' in relation to the licensing and regulation of public hacks, vehicles, venders, shows, concerts, merry-go-rounds and other forms of public amusements, prescribing a penalty for violation of this act and the manner of its enforcement" (No. 935), reported in favor of the passage of the same with the following amendments:

Page 3, line 20, after the word "conduct" strike out the word "maintain" and insert the word "or," and after the word "operate" strike out the words "carry on or exhibit."

Same page, line 21, after the word "any" insert the word "public;" also, after the word "vehicle" strike out the word "vender" and insert the words "or peddling or to maintain, operate, carry on or exhibit any."

Page 5, line 8, after the word "shall" strike out all down to the word "or" on line 9, and insert the word "operate."

Same page, line 9, after the word "vehicle" strike out the word "vender" and insert the words "or peddling or shall open, advertise to open, operate, maintain or conduct any."

S. PERCY HOOKER,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Hooker, from the committee on internal affairs, to which was recommitted the bill introduced by Mr. Donovan, Int. No. 260, entitled "An act to amend chapter 461 of the Laws of 1885, entitled 'An act regulating newspaper advertisements chargeable to the county of Rensselaer,' relative to county newspapers" (No. 819), retaining its place on the order of second reading, reported

in favor of the passage of the same with the following amendments :

Page 2, line 4, strike out the word "two" and insert the word "three."

S. PERCY HOOKER,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and restored to its place on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. Newton, Int. No. 883, entitled "An act to amend the Village Law, relative to the adoption of the town assessment roll in certain villages" (No. 1036), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the bill introduced by Mr. F. E. Allen, Int. No. 864, entitled "An act authorizing the village of Lestershire, Broome county, to levy a frontage tax for water purposes" (No. 1019), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Steele, from the committee on affairs of villages, to which was referred the Senate bill introduced by Mr. Tully, Rec. No. 81, entitled "An act to amend the Village Law, in relation to the number of members of a municipal board" (No. 320), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Newton, Int. No. 78, entitled "An act authorizing villages and cities to insure normal schools" (No. 78), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. Ogden, Int. No. 800, entitled "An act to establish a retirement fund for pensioning retired school teachers in the city of Rochester, and to regulate the collection and management thereof" (No. 929), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Wainwright, from the committee on public education, to which was referred the bill introduced by Mr. F. X. Wood, Int. No. 913, entitled "An act to amend chapter 839 of the Laws of 1866, entitled 'An act to consolidate school districts No. 7 and No. 28, in the town of Onondaga, county of Onondaga; and to provide for the organization of a school and academy therein, and to enable the said district to provide the necessary buildings therefor,' relative to the amount of moneys authorized to be raised in said district" (No. 1094), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Cotton, from the committee on military affairs, to which was referred the bill introduced by Mr. Schoeneck, Int. No. 646, entitled "An act to amend the Military Code, in relation to military parades on Dewey day" (No. 726), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Hammond, from the committee on revision, to which was referred the following entitled bills, reported the same without recommendations:

"An act to authorize the commissioners of the sinking fund of the city of New York to cancel and annul certain assessments affecting property in the city of New York and directing the comptroller to make such assessments accordingly." (No. 753, Int. No. 665.)

"An act to provide for an enumeration of the inhabitants of this State, and making an appropriation therefor." (No. 1063, Rec. No. 77.)

“An act to amend the Lien Law, in relation to contents of notice of lien.” (No. 1041, Rec. No. 64.)

“An act to amend the Greater New York charter, relative to the commitment of persons convicted of public intoxication, disorderly conduct and vagrancy.” (No. 1014, Int. No. 454.)

“An act to amend the County Law, relative to the salaries of the county judge and the surrogate of Dutchess county.” (No. 1008, Int. No. 598.)

“An act to amend the Forest, Fish and Game Law, relative to the close season for squirrels in certain counties.” (No. 1064, Int. No. 263.)

“An act to amend the Forest, Fish and Game Law, in relation to the compensation of game protectors.” (No. 1046, Int. No. 428.)

“An act to legalize the establishment of union free school district No. 7, of the town of Ramapo, Rockland county, and the acts of the voters and the boards of education thereof, and the issuance and sale of certain bonds of said district.” (No. 1007, Rec. No. 28.)

“An act to amend the Code of Criminal Procedure, relative to the persons who may be present during the sessions of a grand jury.” (No. 1047, Int. No. 450.)

“An act to amend the Banking Law, relative to securities in which deposits in savings banks may be invested.” (No. 1050, Int. No. 623.)

“An act to amend the Forest, Fish and Game Law, in relation to the close season for trout in Dutchess county.” (No. 1065, Int. No. 264.)

“An act to amend the Forest, Fish and Game Law, in relation to beaver.” (No. 1051, Int. No. 651.)

“An act to release to Florence W. Barrett, all the right, title and interest of the people of the State of New York, in and to certain real estate situate in the city of Buffalo, county of Erie and State of New York.” (No. 956, Int. No. 347.)

“An act to legalize and provide for the payment of bonds of the town of Moreau in the county of Saratoga, directed to be



issued by the board of supervisors of said county, for the purpose of defraying the cost of constructing a new bridge in said town." (No. 1012, Int. No. 769.)

"An act to validate and confirm the reincorporation of certain villages under the Village Law." (No. 1042, Int. No. 57.)

"An act making appropriations for the State charitable institutions, the New York State School for the Blind, and the Elmira Reformatory." (No. 1009, Int. No. 198.)

Ordered, That said bills be engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 752) entitled "An act to authorize the commissioners of the sinking fund of the city of New York to change a certain lease made by mayor, aldermen and commonalty of the city of New York, to the Hahnemann Hospital of the city of New York to a grant to the said the Hahnemann Hospital of the city of New York, and to authorize the sale and lease or mortgage of the property covered thereby, by the said the Hahnemann Hospital of the city of New York" (Int. No. 664), reported the same with the following recommendations:

Page 1, line 3, after the word "proper" strike out the bracket and insert a parenthesis.

Page 2, line 1, after the word "city" strike out the bracket and insert a parenthesis.

Same page, line 8, strike out the word "thirty-" and hyphen after the word "the."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 1053) entitled "An act to amend the Code of Civil Procedure in relation to jurisdiction of justices of the peace" (Int. No. 700), reported the same with the following recommendations:

Insert a comma in second line of title after the word "procedure."

Page 1, line 4, between the bracket and second letter "a" insert the word "in," and insert a comma after the word "only."

Same page, line 6, between the third word "a" and the bracket insert the words "court not of record."

**FRED W. HAMMOND,**

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 1048) entitled "An act to amend chapter 429 of the Laws of 1884, entitled 'An act to incorporate the New York Cancer Hospital,' the name of which hospital was changed by chapter 43 of the Laws of 1899, to that of General Memorial Hospital for the Treatment of Cancer and Allied Diseases, in relation to quorum of managers" (Int. No. 593), reported the same with the following recommendations:

In fourth line of title capitalize the words "cancer hospital;" also, in sixth line of title insert quotation marks before the word "general," and capitalize the words "general memo-;" also, line 7 of title, capitalize the words "hospital," "treatment," "cancer," "allied" and "diseases," and insert quotation marks after the word "diseases."

Page 1, line 3, after the word "hospital" insert the words "the name of which was changed by chapter forty-three of the laws of eighteen hundred and ninety-nine to that of General Memorial Hospital for the Treatment of Cancer and Allied Diseases;" also, capitalize the words "cancer hospital."

**FRED W. HAMMOND,**

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 1054) entitled "An act to amend chapter 555 of the Laws of 1898, entitled 'An act to establish a State Board of Embalmers, and to regulate the practice of embalming,' relating to licensing to practice, and practicing without license"

(Int. No. 797), reported the same with the following recommendations:

Amend the title to read as follows:

“An act to amend chapter five hundred and fifty-five of the laws of eighteen hundred and ninety-eight, entitled ‘An act to establish a state board of embalmers, and to regulate the practice of embalming,’ relating to licenses.”

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 1066) entitled “An act to amend the Forest, Fish and Game Law, in relation to the close season for grouse, woodcock and quail in certain counties” (Int. No. 266), reported the same with the following recommendations:

Page 2, line 25, after the word “inclusive” insert the word “and.”

Same page, line 26, underscore the semicolon and the word “and” after the word “inclusive.”

Page 3, underscore all of line 1.

Same page, line 2, underscore the words “ber fifteenth, both inclusive.”

FRED W. HAMMOND,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 1011) entitled “An act to amend chapter 236 of the Laws of 1860 entitled ‘An act to legalize the State and county taxes in the county of Rensselaer for the year 1859, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes,’ and the several acts amendatory thereof and supplemental thereto in relation to the assessment, taxation and collection of taxes and the sale and conveyance of land for nonpayment thereof in the

county of Rensselaer" (Int. No. 445), reported the same with the following recommendations:

Insert a comma in third line of title after the word "sixty."

Page 1, line 1, after the word "thirteen" insert the words "of chapter two hundred and thirty-six of the laws of eighteen hundred and sixty, entitled 'An act to legalize the state and county taxes in the county of Rensselaer for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid state and county taxes,'" and strike out the words "of said act."

Same page, line 3, insert a comma after the word "sixty-six," and strike out the words "further" and "so as."

Page 5, line 8, insert a comma after the second word "county."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 1013) entitled "An act to amend the charter of the Greater New York relative to the powers of city magistrates" (Int. No. 643), reported the same with the following recommendations:

Amend the title to read as follows:

"An act to amend the Greater New York charter, relative to the powers of city magistrates."

Page 1, line 1, strike out the words "charter of the" after the first word "the" and insert the word "charter" after the word "York," and strike out the words "revised and."

Same page, line 3, insert a comma after the word "one."

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Hammond, from the committee on revision, to which was referred the bill (No. 1010) entitled "An act to amend section 30 of article 5, title 8 of chapter 556 of the Laws of 1894, entitled 'An act to revise, amend and consolidate the general acts relating

to public instruction' ” (Int. No. 440), reported the same with the following recommendations:

Amend the title to read as follows:

“An act to amend the consolidated school law, relative to changing of school districts.”

Page 1, line 3, after the word “ninety-four” insert the words “entitled ‘An act to revise, amend and consolidate the general acts relating to public instructions,’ as amended by chapter five hundred and forty of the laws of eighteen hundred and ninety-nine.”

Page 2, line 8, insert a comma after the word “divided.”

FRED W. HAMMOND,

*Chairman.*

Which report was agreed to and said bill ordered reprinted and engrossed for a third reading.

Mr. Brooks, from the committee on printed and engrossed bills, reported the following entitled bills as correctly printed or engrossed:

“An act authorizing and directing the Comptroller to readjust and resettle the accounts of certain trust companies for taxes paid under section 187-a of the Tax Law for the years ending June 30, 1901 and 1902.” (No. 742, Int. No. 661.)

“An act to amend the Village Law, in relation to village elections.” (No. 659, Int. No. 592.)

“An act to amend the Village Law, in relation to the payment of expenses of incorporation.” (No. 739, Int. No. 658.)

“An act to amend the Forest, Fish and Game Law, relative to close season for lake trout in Putnam county.” (No. 885, Int. No. 771.)

“An act to amend the Forest, Fish and Game Law, in relation to the placing of carp in certain waters.” (No. 499, Int. No. 469.)

“An act to amend chapter 371 of the Laws of 1896, entitled ‘An act to authorize the issuing of licenses to honorably discharged soldiers, sailors and marines for hawking, peddling and vending of merchandise within this State,’ in relation to auction sales.” (No. 785, Int. No. 698.)



“An act to amend the Forest, Fish and Game Law, in relation to taking fish through the ice in the town of North East, Dutchess county.” (No. 265, Int. No. 265.)

“An act to amend chapter 308 of the Laws of 1904, entitled ‘An act relating to the issue of bonds for street improvements in the village of Saranac Lake, county of Franklin,’ relative to the issue of bonds for the extension and improvement of the sewer and water systems.” (No. 874, Int. No. 759.)

“An act to provide for the repair and improvement of existing mechanical and other structures and works on and connected with the canals of this State.” (No. 767, Int. No. 679.)

“An act to terminate the existence of the fire department of the second school district of the town of Glenville, Schenectady county, N. Y., and to transfer the property thereof to the village of Scotia, N. Y., and to afford fire protection for the said school district by the fire department of said village of Scotia, N. Y., and to compensate said village for the same.” (No. 793, Int. No. 707.)

“An act to amend the Membership Corporations Law, relating to taxation of lot owners by cemetery corporations.” (No. 765, Int. No. 677.)

“An act to amend the Tax Law, in relation to the expense of publishing notices to redeem from county tax sales.” (No. 554, Int. No. 505.)

“An act in relation to the use of the flag of the United States of America.” (No. 95, Int. No. 95.)

“An act to amend section 85 of chapter 568 of the Laws of 1890, entitled ‘An act in relation to highways, constituting chapter 19 of the general laws.’” (No. 671, Int. No. 605.)

“An act to amend the Real Property Law in relation to the authentication of conveyances executed outside of the State of New York and within the United States.” (No. 683, Int. No. 617.)

“An act to amend chapter 704 of the Laws of 1901, entitled ‘An act to make the office of clerk of the county of Kings a salaried office and regulating the management of said office,’ in

relation to the compensation of certain employees." (No. 1058, Int. No. 381.)

"An act to amend chapter 585 of the Laws of 1893, entitled 'An act to authorize the city of Brooklyn to make yearly provision for the celebration of Memorial day, including the year 1893,' relative to naval veterans." (No. 1059, Int. No. 447.)

"An act to amend chapter 105 of the Laws of 1891, entitled 'An act to revise the charter of the city of Buffalo,' and the several acts amendatory thereof and supplementary thereto, with reference to the police force." (No. 1060, Int. No. 684.)

"An act to amend chapter 331 of the Laws of 1904, entitled 'An act to amend the Code of Civil Procedure, in relation to professional or registered nurses as witnesses,' in relation to the effect of such act on pending actions or proceedings." (No. 1055, Int. No. 365.)

"An act to amend section 15 of the Town Law, relating to highway commissioners." (No. 1062, Int. No. 526.)

"An act to amend the Penal Code, relative to the sale and possession of dangerous weapons." (No. 1017, Rec. No. 38.)

"An act to amend chapter 300 of the Laws of 1904, entitled 'An act to revise and consolidate the several acts relative to the city of Niagara Falls,' relative to the powers of the city judge and common council." (No. 1056, Int. No. 337.)

"An act to amend chapter 35 of the Laws of 1902, entitled 'An act creating a City Court in and for the city of Poughkeepsie, N. Y.'" (No. 1057, Int. No. 395.)

"An act to amend the Greater New York charter, relative to the department of health." (No. 1061, Int. No. 733.)

"An act to enable the county of Erie and the town of Grand Island to construct a bridge from the town of Grand Island across the east branch of Niagara river to the mainland, and to issue bonds therefor." (No. 133, Int. No. 133.)

Mr. Wainwright offered for the consideration of the House a resolution, in the words following:

Resolved, That the committee on internal affairs be discharged from the further consideration of Senate bill No. 388, entitled

"An act to amend chapter 550 of the Laws of 1903, entitled 'An act to amend chapter 537 of the Laws of 1901, entitled "An act to amend chapter 687 of the Laws of 1894, entitled 'An act to regulate the commitment and discharge of certain prisoners, tramps and vagrants in Westchester county, and to prescribe the effect thereof, to provide for the support of the prisoners in the jail of Westchester county and to fix the duties and compensation of the sheriff of said county and of certain employees in the jail of said county,'"" as amended by chapter 420 of the Laws of 1895 and by chapter 310 of the Laws of 1899, relative to the powers and duties of sheriff." (Rec. No. 107.)

On motion of Mr. Wainwright, and by unanimous consent, said bill read the second time and ordered to a third reading.

On motion of Mr. Palmer, and by unanimous consent, said bill was ordered placed on the third reading calendar for Thursday next.

Mr. Speaker announced the special order, being the bill (No. 1) entitled "An act to amend an act entitled 'An act to provide for the acquiring of a site and the erection and furnishing of a new courthouse in the city of Utica for the use of the county of Oneida, and to provide means to defray the expenses thereof and to sell the present courthouse and site and the county clerk's office and site situate in Utica.'" (Int. No. 1.)

Mr. Speaker announced the pending question to be the amendments reported by the committee on internal affairs for the consideration of the House.

Mr. Merritt in the chair.

Mr. Gates moved a call of the members of the House.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

By direction of the Speaker the Clerk called the roll, when the following members responded:

Agnew	Cox	Hubbs	Patton	Smith J T
Allen F E	Dale	Hurd	Pendry	Standart
Allen J G	Dodd	Kavanaugh	Perry	Stanley
Anderson	Donovan	Knapp	Phillips	Steele
Apgar	Etzel	La Fetra	Platt	Stevens
Bass	Evans	La Rue	Pratt	Sullivan
Becker	Everett	Leggett	Prentice	Tenjost
Bedell	Fish	Lewis	Prince	Thompson G F

Beihlf	Foelker	Machacek	Reilly	Thompson J A
Bird	Foster	Maier	Rigby	Thonet
Bisland	Francisco	Malloy	Rogers	Tompkins
Brady	Freidel	Mathews T F	Rosenstein	Waddell
Burnett	Fuller	Matthews C R	Salomon	Wade
Burns	Gardner	McKeown	Sammon	Wagner
Burzynski	Gates	McManus	Santee	Wadsworth
Cadin	Grady	Mead	Schoeneck	Wainwright
Cahn	Grattan	Merritt	Scovill	Wedemeyer
Callahan	Gray	Miller	Shanahan	West
Carrier	Hackett	Monroe	Sheehy	Wemple
Caughlan	Hammond	Moreland	Sheldon	Whitney F G
Charles E E	Hanford	Murphy	Sherry	Whitney G H
Charles W B	Hapeman	Newton	Shuttleworth	Wilsnack
Cooke	Hartman	Ogden	Slocum	Wilson
Coon	Hastings	O'Neill	Smith A P	Wood F X
Cotton	Hooker	Palmer	Smith A E	Yale
Coutant	Hooper	Parker	Smith J E	Young
Cowan				

Mr. Gates moved that all further proceedings under the call of the House be suspended.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Speaker put the question whether the House would agree to said amendments, and it was determined in the negative.

AYES 53

NOES 76

Those who voted in the affirmative were:

Allen F E	Donovan	La Rue	Prentice	Stevens
Anderson	Evans	Machacek	Prince	Thompson G F
Bisland	Foster	Matthews C R	Rigby	Tompkins
Brady	Freidel	Mead	Rogers	Wagner
Burzynski	Gardner	Monroe	Rosenstein	Wadsworth
Cahn	Hackett	Moreland	Santee	Wedemeyer
Caughlan	Hammond	Palmer	Scovill	West
Charles E E	Hubbs	Phillips	Sheehy	Wemple
Cooke	Hurd	Plank	Sherry	Wilson
Coon	Knapp	Platt	Smith A P	Young
Cowan	La Fetra	Pratt		

Those who voted in the negative were:

Agnew	Dale	Hartman	Ogden	Smith J T
Allen J G	Dodd	Hastings	O'Neill	Standart
Apgar	Dowling	Hooper	Parker	Stanley
Bass	Etzel	Kavanaugh	Patton	Steele
Becker	Everett	Leggett	Pendry	Sullivan
Bedell	Fish	Lewis	Perry	Thompson J A
Beihlf	Foelker	Maier	Reilly	Thonet
Bird	Francisco	Malloy	Salomon	Waddell
Burnett	Fuller	Mathews T F	Sammon	Wade
Cadin	Gates	McKeown	Schoeneck	Wainwright
Callahan	Grady	Merritt	Shanahan	Whitney F G

Carrier	Grattan	Miller	Sheldon	Whitney G H
Charles W B	Gray	Murphy	Shuttleworth	Wilsnack
Cotton	Hanford	Newton	Slocum	Wood F X
Coutant	Hapeman	Nugent	Smith J E	Yale J
Cox				

On motion of Mr. Gates, said bill was read the second time and ordered to a third reading.

Said bill was then read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 97

NOES 19

Those who voted in the affirmative were:

Agnew	Dowling	Hurd	Patton	Standart
Allen F E	Everett	Kavanaugh	Pendry	Stanley
Anderson	Fish	Knapp	Perry	Steele
Apgar	Foelker	La Rue	Plank	Sullivan
Bass	Foster	Leggett	Platt	Thompson G F
Becker	Francisco	Lewis	Prentice	Thompson J A
Bedell	Freidel	Maier	Reilly	Thonet
Beihlf	Fuller	Malloy	Salomon	Waddell
Burnett	Gardner	Mathews T F	Sammon	Wade
Burns	Gates	Matthews C R	Schoeneck	Wagner
Cadin	Grady	McKeown	Scovill	Wainwright
Callahan	Grattan	Mead	Shanahan	Wemple
Carrier	Gray	Merritt	Sheehy	Whitney F G
Charles W B	Hackett	Moreland	Sheldon	Whitney G H
Coon	Hanford	Murphy	Shuttleworth	Wilsnack
Cotton	Hapeman	Newton	Slocum	Wilson
Coutant	Hartman	Ogden	Smith A E	Wood F X
Cox	Hastings	O'Neill	Smith J E	Yale
Dale	Hooper	Parker	Smith J T	Young
Dodd	Hubbs			

Those who voted in the negative were:

Cahn	Evans	Prince	Santee	Tompkins
Caughlan	Hammond	Rigby	Sherry	Wadsworth
Charles E E	Phillips	Rogers	Smith A P	West
Cooke	Pratt	Rosenstein	Stevens	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Speaker in the chair.

The bill (No. 575) entitled "An act creating a commission to investigate the condition of certain marshes in the vicinity of



Staten Island, as affecting the public health, or the property values and other interests of Staten Island " (Int. No. 528), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the negative, a majority of all the members elected to the Assembly not voting in favor thereof, and three-fifths being present.

AYES 54

NOES 40

Those who voted in the affirmative were:

Agnew	Etzel	Knapp	Patton	Smith J E
Allen J G	Foster	La Rue	Pendry	Smith J T
Apgar	Freidel	Lewis	Plank	Stanley
Bass	Gardner	Matthews C R	Prentice	Stevens
Beihlf	Gates	Mead	Rigby	Thompson G F
Bisland	Gray	Merritt	Santee	Wade
Charles E E	Hanford	Moreland	Schoeneck	Wadsworth
Charles W B	Hapeman	Murphy	Scovill	Wemple
Coon	Hartman	Newton	Shuttleworth	Whitney G H
Cox	Hastings	O'Neill	Slocum	Wilsnack
Dowling	Hooker	Parker	Smith A P	

Those who voted in the negative were:

Anderson	Dale	Hackett	Perry	Sheehy
Bird	Dodd	Kavanaugh	Pratt	Sherry
Burns	Donovan	La Fetra	Prince	Smith A E
Cahn	Fish	Malloy	Reilly	Thompson J A
Callahan	Francisco	Mathews T F	Rosenstein	Tompkins
Carrier	Fuller	McKeown	Salomon	Wagner
Caughlan	Grady	Nugent	Sammon	Wedemeyer
Cooke	Gurnett	Palmer	Shanahan	Wolf

Mr. Wilsnack moved to reconsider the vote by which said bill was lost, and that said motion lie upon the table.

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

The bill (No. 635) entitled "An act to amend the Greater New York charter by adding a new title thereto relative to the retirement fund of the city of New York " (Int. No. 171), having been announced for a third reading,

On motion of Mr. Fuller, and by unanimous consent, said bill was ordered placed on the third reading calendar for Thursday next.

The bill (No. 721) entitled "An act to amend the Revised Statutes relative to the parole of prisoners" (Int. No. 641), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 128

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooper	Pendry	Standart
Allen F E	Cox	Hornidge	Perry	Stanley
Allen J G	Cunningham	Hubbs	Phillips	Steele
Anderson	Dodd	Hurd	Platt	Stevens
Apgar	Donovan	Kavanaugh	Pratt	Sullivan
Bass	Dowling	Knapp	Prentice	Tenjust
Bedell	Ellis	La Fetra	Quinn	Thompson G F
Beebe	Evans	Leggett	Reeve	Thonet
Beihlf	Everett	Lewis	Reilly	Tompkins
Bird	Fish	Machacek	Rogers	Waddell
Bisland	Fitzsimons	Maier	Rosenstein	Wade
Brooks	Foster	Malloy	Salomon	Wagner
Burnett	Francisco	Mathews T F	Sammon	Wainwright
Burns	Freidel	Matthews C R	Santee	Wedemeyer
Burzynski	Gardner	McKeown	Scovill	West
Byrne	Gates	McManus	Shanahan	Whitney F G
Cadin	Grady	Mead	Sheldon	Whitney G H
Cahn	Grattan	Miller	Sherry	Wiegand
Callahan	Gurnett	Monroe	Shuttleworth	Wilsnack
Carrier	Hackett	Moreland	Slocum	Wilson
Caughlan	Hammond	Murphy	Smith A P	Wood F C
Charles E E	Hanford	Newton	Smith A E	Wood F X
Cooke	Hapeman	Ogden	Smith J E	Wolf
Coon	Hartman	O'Neill	Smith J T	Yale
Cotton	Hastings	Parker	Smith R H	Young
Coutant	Hooker	Patton		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

Mr. Wainwright in the chair.

The bill (No. 1004) entitled "An act to provide for the adoption, construction, repair, maintenance and supervision of a system of town roads" (Int. No. 30), having been announced for a third reading,

On motion of Mr. West, and by unanimous consent, said bill was made a special order on third reading for Thursday next immediately after the reading of the journal.

Mr. Speaker in the chair.

The bill (No. 960) entitled "An act to amend the Code of Civil Procedure, in relation to the appointment and compensation of stenographers in surrogates' courts in certain counties" (Int. No. 397), having been announced for a third reading,

Mr. Maier moved that said bill be recommitted to the committee on codes, with instructions to report the same forthwith amended as follows:

Page 3, line 9, after the word "compensation" strike out the word "is" and insert the words "may be made;" also, after the word "proceedings" add the words "in the discretion of the surrogate."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Phillips, from the committee on codes, reported said bill amended as directed, and the same was ordered reprinted and placed on the order of third reading.

The bill (No. 954) entitled "An act to amend the Penal Code, relative to bank officers" (Int. No. 549), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 130

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hornidge	Pendry	Smith R H
Allen F E	Cunningham	Hubbs	Perry	Standart
Allen J G	Dale	Hurd	Phillips	Steele
Anderson	Dodd	Kavanaugh	Plank	Stevens
Aggar	Donovan	Knapp	Platt	Sullivan

Bass	Ellis	La Rue	Pratt	Tenjost
Becker	Etzel	Leggett	Prentice	Thompson G F
Bedell	Evans	Lewis	Prince	Thompson J A
Beebe	Everett	Maier	Quinn	Thonet
Beihilf	Fitzsimons	Malloy	Reeve	Waddell
Bird	Foelker	Mathews T F	Reilly	Wade
Bisland	Foster	Matthews C R	Rigby	Wagner
Brady	Francisco	McKeown	Rogers	Wadsworth
Brooks	Freidel	McManus	Rosenstein	Wainwright
Burnett	Gardner	Mead	Salomon	Wedemeyer
Burns	Gates	Merritt	Sammon	West
Burzynski	Grady	Miller	Schoeneck	Wemple
Byrne	Grattan	Monroe	Scovill	Whitney F G
Cahn	Gray	Moreland	Shanahan	Whitney G H
Callahan	Gurnett	Murphy	Sheehy	Wilsnack
Carrier	Hackett	Newton	Sherry	Wilson
Charles E E	Hanford	Ogden	Shuttleworth	Wolf
Charles W B	Hapeman	O'Neill	Smith A P	Wood F C
Coon	Hartman	Palmer	Smith A E	Wood F X
Cotton	Hastings	Parker	Smith J E	Yale
Coutant	Hooper	Patton	Smith J T	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 963) entitled "An act to amend the Agricultural Law, relative to compensation to owners of animals destroyed because of tuberculosis" (Int. No. 279), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 134

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hurd	Platt	Stanley
Allen F E	Dale	Knapp	Pratt	Steele
Allen J G	Donovan	La Fetra	Prentice	Stevens
Anderson	Dowling	La Rue	Prince	Sullivan
Apgar	Ellis	Leggett	Quinn	Tenjost
Bass	Etzel	Lewis	Reeve	Thompson G F
Becker	Everett	Machacek	Reilly	Thompson J A
Beebe	Fish	Maier	Rigby	Thonet
Beihilf	Fitzsimons	Mathews T F	Rogers	Tompkins
Bird	Foelker	Matthews C R	Rosenstein	Waddell
Bisland	Foster	McKeown	Salomon	Wade
Brady	Francisco	McManus	Sammon	Wagner
Burnett	Freidel	Mead	Santee	Wainwright

Burns	Fuller	Merritt	Schoeneck	Wedemeyer
Burzynski	Gardner	Miller	Scovill	West
Byrne	Gates	Monroe	Shanahan	Wemple
Cahn	Grattan	Moreland	Sheehy	Whitney F G
Callahan	Gray	Murphy	Sheldon	Whitney G H
Carrier	Gurnett	Newton	Sherry	Wiegand
Caughlan	Hackett	Nugent	Shuttleworth	Wilsnack
Charles E E	Hammond	O'Neill	Slocum	Wilson
Charles W B	Hapeman	Palmer	Smith A P	Wolf
Cooke	Hartman	Parker	Smith A E	Wood F C
Cotton	Hooker	Patton	Smith J E	Wood F X
Coutant	Hooper	Pendry	Smith J T	Yale
Cowan	Hornidge	Perry	Smith R H	Young
Cox	Hubbs	Phillips	Standart	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The Senate bill (No. 328, Assembly reprint No. 955) entitled "An act amending section 162 of the Town Law, relating to auditing town accounts" (Rec. No. 35), having been announced for a third reading,

On motion of Mr. Rogers, and by unanimous consent, said bill was ordered placed on the third reading calendar for Thursday next.

The bill (No. 959) entitled "An act to amend the Code of Civil Procedure, relating to judgments in matrimonial actions" (Int. No. 312), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 133

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Hubbs	Phillips	Stanley
Allen F E	Dodd	Kavanaugh	Plank	Steele
Allen J G	Donovan	Knapp	Platt	Stevens
Anderson	Dowling	La Fetra	Pratt	Tenjust
Apgar	Ellis	La Rue	Prentice	Thompson G F
Bass	Etzel	Lewis	Prince	Thompson J A
Becker	Evans	Machacek	Reeve	Thonet
Beebe	Everett	Maier	Reilly	Tompkins
Beihlf	Fish	Malloy	Rigby	Waddell
Bird	Fitzsimons	Mathews T F	Rogers	Wade
Bisland	Foelker	Matthews C R	Rosenstein	Wagner



Brady	Foster	McKeown	Salomon	Wadsworth
Brooks	Freidel	McManus	Sammon	Wainwright
Burnett	Fuller	Mead	Schoeneck	Wedemeyer
Burzynski	Gardner	Merritt	Scovill	West
Byrne	Gates	Miller	Shanahan	Wemple
Cadin	Grady	Monroe	Sheehy	Whitney F G
Cahn	Grattan	Moreland	Sheldon	Whitney G H
Callahan	Gurnett	Murphy	Sherry	Wiegand
Carrier	Hackett	Newton	Shuttleworth	Wilsnack
Charles E E	Hammond	Ogden	Slocum	Wilson
Charles W B	Hanford	O'Neill	Smith A P	Wolf
Coon	Hartman	Palmer	Smith A E	Wood F C
Cotton	Hastings	Parker	Smith J T	Wood F X
Coutant	Hooker	Patton	Smith R H	Yale
Cox	Hooper	Pendry	Standart	Young
Cunningham	Hornidge	Perry		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 957) entitled "An act to amend the Forest, Fish and Game Law, in relation to the close season on hares and rabbits" (Int. No. 476), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 104

NOES 00

Those who voted in the affirmative were:

Agnew	Cunningham	Hooper	Parker	Smith R H
Allen F E	Dodd	Hubbs	Pendry	Stanley
Apgar	Dowling	Hurd	Perry	Steele
Bass	Ellis	Knapp	Phillips	Stevens
Bedell	Etsel	La Rue	Platt	Tenjust
Beebe	Evans	Leggett	Pratt	Thompson G F
Bird	Everett	Machacek	Prentice	Thonet
Brady	Fish	Maier	Prince	Tompkins
Brooks	Fitzsimons	Malloy	Reeve	Wade
Burns	Foelker	Mathews T F	Rigby	Wagner
Burzynski	Francisco	Matthews C R	Rosenstein	Wainwright
Byrne	Freidel	McKeown	Salomon	Wedemeyer
Cahn	Fuller	McManus	Santee	Wemple
Callahan	Gates	Merritt	Schoeneck	Whitney F G
Caughlan	Grady	Miller	Shanahan	Wiegand
Charles W B	Gray	Monroe	Sheehy	Wilsnack
Cooke	Gurnett	Murphy	Sheldon	Wolf
Cotton	Hammond	Newton	Shuttleworth	Wood F X
Coutant	Hanford	Nugent	Slocum	Yale
Cowan	Hapeman	O'Neill	Smith A E	Young
Cox	Hastings	Palmer	Smith J E	

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 951) entitled "An act to amend the Banking Law, in relation to the reports of trust companies" (Int. No. 19), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 102

NOES 00

Those who voted in the affirmative were:

Agnew	Coutant	Hastings	O'Neill	Smith R H
Allen F E	Cox	Hooker	Palmer	Standart
Anderson	Cunningham	Hooper	Patton	Steele
Apgar	Dodd	Hubbs	Perham	Stevens
Bass	Donovan	Kavanaugh	Phillips	Tenjest
Bedell	Ellis	La Fetra	Platt	Thompson J A
Beebe	Etzel	Leggett	Prentice	Thonet
Bird	Everett	Lewis	Quinn	Waddell
Bisland	Fitzsimons	Maier	Reeve	Wagner
Brady	Foelker	Malloy	Rigby	Wadsworth
Brooks	Francisco	Mathews T F	Rogers	Wedemeyer
Burnett	Freidel	Matthews C R	Rosenstein	Wemple
Burns	Gardner	McKeown	Sammon	Whitney F G
Byrne	Gates	McManus	Schoeneck	Wiegand
Cadin	Grattan	Mead	Shanahan	Wilsnack
Cahn	Gray	Merritt	Sheehy	Wilson
Callahan	Hackett	Miller	Sherry	Wolf
Carrier	Hammond	Monroe	Slocum	Wood F C
Caughlan	Hanford	Moreland	Smith A J	Yale
Charles W B	Hapeman	Nugent	Smith J E	Young
Cotton	Hartman			

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 961) entitled "An act to amend the Code of Civil Procedure, relative to the power of a court respecting the docket of its judgments" (Int. No. 421), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the

affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 93

NOES 00

Those who voted in the affirmative were:

Agnew	Cowan	Hooper	Patton	Standart
Allen F E	Cunningham	Hubbs	Pendry	Stanley
Allen J G	Donovan	Kavanaugh	Phillips	Stevens
Anderson	Dowling	La Fetra	Platt	Tenjust
Bass	Etzel	Leggett	Pratt	Thompson G F
Bedell	Evans	Lewis	Prince	Tompkins
Beebe	Fish	Maier	Reeve	Thonet
Bird	Foelker	Malloy	Rigby	Waddell
Bisland	Foster	Matthews C R	Rosenstein	Wade
Brooks	Freidel	McKeown	Sammon	Wadsworth
Burnett	Gardner	McManus	Santee	Wedemeyer
Burzynski	Gates	Mead	Scovill	Wemple
Byrne	Grady	Miller	Sheehy	Whitney F G
Cahn	Grattan	Monroe	Sheldon	Wiegand
Carrier	Gurnett	Murphy	Shuttleworth	Wilson
Caughlan	Hackett	Newton	Smith A P	Wood F C
Charles W B	Hanford	Nugent	Smith J E	Yale
Coon	Hartman	O'Neill	Smith J T	Young
Coutant	Hastings	Parker		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 953) entitled "An act to amend chapter 615 of the Laws of 1894, entitled 'An act to revise the charter of the city of Elmira,' in relation to the police force" (Int. No. 580), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 100

NOES 00

Those who voted in the affirmative were:

Agnew	Dale	Kavanaugh	Parker	Smith R H
Allen F E	Dodd	Knapp	Pendry	Standart
Allen J G	Dowling	La Fetra	Perham	Steele
Anderson	Etzel	La Rue	Phillips	Stevens
Apgar	Everett	Leggett	Platt	Tenjust
Becker	Fish	Lewis	Pratt	Thompson G F
Bedell	Foelker	Maier	Prentice	Thonet

Bisland	Foster	Malloy	Quinn	Tompkins
Brady	Francisco	Mathews T F	Reeve	Wade
Burnett	Fuller	Matthews C R	Rigby	Wagner
Burzynski	Gardner	McKeown	Rogers	Wainwright
Byrne	Grady	McManus	Salomon	Wedemeyer
Cahn	Grattan	Mead	Santee	Wemple
Carrier	Gurnett	Merritt	Schoeneck	Whitney F G
Charles E E	Hammond	Monroe	Shanahan	Wiegand
Charles W B	Hanford	Moreland	Sheldon	Wilsnack
Coon	Hartman	Murphy	Sherry	Wolf
Cotton	Hastings	Newton	Slocum	Wood F X
Cowan	Hooper	Ogden	Smith A E	Yale
Cox	Hubbs	Palmer	Smith J E	Young

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 952) entitled "An act to amend chapter 347 of the Laws of 1890, entitled 'An act to provide for the payment of the cost and expenses of the construction of a trunk sewer on the east side of the Genesee river, in the city of Rochester, by the issue of bonds of said city, and providing for the payment of said bonds by local assessments,' relating to the collection of assessments" (Int. No. 518), having been announced for a third reading,

On motion of Mr. Ogden, said bill was laid aside and ordered stricken from the calendar.

The bill (No. 958) entitled "An act to amend the Code of Criminal Procedure, in relation to return by magistrate of statement to district attorney in certain counties" (Int. No. 211), was read the third time, having been printed and upon the desks of the members in its final form at least three calendar legislative days prior to its final passage.

Mr. Speaker put the question whether the House would agree to the final passage of said bill, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.

AYES 98

NOES 00

Those who voted in the affirmative were:

Agnew	Cotton	Hooker	Parker	Smith J T
Allen F E	Cowan	Hornidge	Pendry	Standart
Allen J G	Cox	Hubbs	Perry	Steele
Anderson	Cunningham	Kavanaugh	Plank	Stevens
Bass	Dale	La Fetra	Pratt	Sullivan

Becker	Dodd	Leggett	Prentice	Thompson G F
Beebe	Donovan	Machacek	Quinn	Thonet
Beihlf	Dowling	Malloy	Reilly	Waddell
Bisland	Etzel	Mathews T F	Rigby	Wagner
Burnett	Everett	Matthews C R	Rogers	Wainwright
Burns	Fitzsimons	McKeown	Rosenstein	West
Burzynski	Foelker	McManus	Salomon	Whitney F G
Byrne	Francisco	Mead	Sammon	Wiegand
Cadin	Gardner	Merritt	Schoeneck	Wilson
Cahn	Gates	Miller	Shanahan	Wolf
Callahan	Grattan	Monroe	Sherry	Wood F C
Carrier	Gray	Moreland	Shuttleworth	Wood F X
Charles E E	Hackett	Newton	Smith A P	Yale
Charles W B	Hanford	Nugent	Smith J E	Young
Cooke	Hartman	O'Neill		

Ordered, That the Clerk deliver said bill to the Senate and request their concurrence therein.

The bill (No. 962) entitled "An act to amend chapter 528 of the Laws of 1902, entitled 'An act to regulate the sales of merchandise in bulk,' relative to fixtures" (Int. No. 441), having been announced for a third reading,

Mr. Bedell moved that said bill be recommitted to the committee on general laws, with instructions to report the same forthwith amended as follows:

Page 2, line 22, after the word "purchaser" add the words "but this act shall not affect any action or proceeding that may be pending at the time of the passage of this act."

Mr. Speaker put the question whether the House would agree to said motion, and it was determined in the affirmative.

Mr. Merritt, from the committee on general laws, reported said bill amended as directed and the same was ordered reprinted and placed on the order of third reading.

Mr. O'Neill offered for the consideration of the House a resolution, in the words following:

Resolved, That there be printed for the use of the Assembly 500 extra copies of Assembly bill No. 951, Int. No. 19.

Mr. Speaker put the question whether the House would agree to said resolution, and it was determined in the affirmative, a majority of all the members elected to the Assembly voting in favor thereof, and three-fifths being present.



AYES 109

NOES 00

Those who voted in the affirmative were :

Agnew	Cox	Hurd	Plank	Tenjost
Allen F E	Dale	Knapp	Platt	Thompson G F
Allen J G	Dodd	La Fetra	Prentice	Tompkins
Apgar	Dowling	La Rue	Prince	Thonet
Bass	Ellis	Lewis	Reeve	Waddell
Bedell	Etzel	Machacek	Reilly	Wagner
Beihlif	Everett	Malloy	Rogers	Wadsworth
Bisland	Fish	Mathews T F	Rosenstein	Wainwright
Brady	Foelker	Matthews C R	Salomon	Wedemeyer
Burnett	Foster	McKeown	Santee	West
Burns	Freidel	McManus	Scovill	Wemple
Burzynski	Gardner	Merritt	Sheehy	Whitney F G
Byrne	Gates	Miller	Sheldon	Whitney G H
Cadin	Grattan	Monroe	Sherry	Wiegand
Cahn	Gray	Moreland	Slocum	Wilsnack
Callahan	Hackett	Newton	Smith A E	Wilson
Carrier	Hammond	Ogden	Smith J E	Wolf
Charles E E	Hapeman	Palmer	Smith R H	Wood F C
Charles W B	Harvman	Parker	Standart	Wood F X
Cooke	Hooker	Pendry	Stanley	Yale
Cotton	Hooper	Perry	Steele	Young
Cowan	Hornidge	Phillips	Stevens	

The Senate returned the following entitled bills, with a message that they have concurred in the passage of the same without amendment :

“An act to provide for the care, preservation and protection of the rock known as the ‘Seneca Indian council rock,’ in the town of Brighton, Monroe county, N. Y., and legalizing its existence in its present location.” (No. 345, Int. No. 322.)

“An act to amend the Code of Civil Procedure, relative to the cases in which an action in divorce may be maintained.” (No. 236, Int. No. 236.)

Ordered, That the Clerk deliver said bills to the Governor.

The Senate returned the following entitled bill, with a message that they have concurred in the amendments of the Assembly made thereto :

“An act to amend chapter 905 of the Laws of 1896, entitled ‘An act to incorporate the city of Watervliet, generally.’” (No. 306, Senate reprint No. 519, Int. No. 289.)

Ordered, That the Clerk transmit a certified copy thereof to the mayor of the city of Watervliet.

The Senate returned the Senate bill (No. 48, Assembly reprint No. 908) entitled "An act to legalize and validate certain acts of the electors of the town of Oswegatchie, St. Lawrence county, N. Y., the town officers of said town, and the board of supervisors of said county in proceedings to raise certain sums of money upon the credit of said town for the improvement of the town hall in said town" (Rec. No. 4), with a message that they have concurred in the amendments of the Assembly made thereto.

Ordered, That the Clerk return said bill to the Senate.

On motion of Mr. Rogers, the House adjourned.

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THURSDAY, MARCH 9, 1905.

The House met pursuant to adjournment.

Prayer by Rev. Henry H. Murdock, of Gloversville.

On motion of Mr. Rogers, the reading of the journal of yesterday was dispensed with, and the same was approved.

The privileges of the floor were extended to Messrs. Kneeland and Outerson.

The Senate sent for concurrence the following entitled bills:

"An act to amend section 21 of chapter 47 of the general laws, being the Personal Property Law, relating to contracts that must be in writing" (No. 611, Rec. No. 122), which was read the first time and referred to the committee on general laws.

"An act to further amend section 5 of chapter 553 of the Laws of 1895, as amended by section 5 of chapter 959 of the Laws of 1895, entitled 'An act in relation to the Supreme Court in the First Judicial District and the Appellate Division thereof,' making provision for the appointment by said Appellate Division in the First Department of official referees and for their compensation" (No. 207, Rec. No. 123), which was read the first time and referred to the committee on the judiciary.

Mr. Burzynski introduced a bill entitled "An act to compel street railway companies to build and maintain shelter houses

for passengers at transfer points" (Int. No. 984), which was read the first time and referred to the committee on railroads.

Mr. Cadin introduced a bill entitled "An act to reappropriate money for the construction of a lift or hoist bridge over the Oswego canal at Willow street in the city of Syracuse" (Int. No. 985), which was read the first time and referred to the committee on ways and means.

Mr. Cox introduced a bill entitled "An act to amend the charter of the city of Buffalo in relation to inferior courts of criminal jurisdiction" (Int. No. 986), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 577 of the Laws of 1902, entitled 'An act abolishing the office of coroner of the county of Erie, and creating the office of medical examiner, and prescribing its duties'" (Int. No. 987), which was read the first time and referred to the committee on internal affairs.

Mr. Dale introduced a bill entitled "An act to amend the Public Health Law in relation to examinations for license to practice medicine" (Int. No. 988), which was read the first time and referred to the committee on public health.

Also, a bill entitled "An act to amend the Public Health Law in relation to the examination of nurses" (Int. No. 989), which was read the first time and referred to the committee on public health.

Mr. Everett introduced a bill entitled "An act to regulate the fare on all street surface railways, steam railways, or other railways, in cities of the first class carrying passengers for hire" (Int. No. 990), which was read the first time and referred to the committee on railroads.

Mr. Hastings introduced a bill entitled "An act to confer jurisdiction upon the Court of Claims to hear, audit and determine the alleged claim of Michael E. O'Connor and John N. Booth, doing business under the firm name of O'Connor & Booth, for damages alleged to have been sustained by them, and to render judgment therefor" (Int. No. 991), which was read the first time and referred to the committee on claims.

Mr. Hubbs introduced a bill entitled "An act authorizing the town of Islip, in the county of Suffolk, to acquire a site and building for town purposes, and to borrow money therefor" (Int. No. 992), which was read the first time and referred to the committee on internal affairs.

Mr. McKeown introduced a bill entitled "An act to grant, give and release unto John Unterreiner, all the right, title and interest of the people of the State of New York, in, of and to all the real and personal property, which were of John E. Hughes, late of the borough of Brooklyn, city and State of New York, deceased" (Int. No. 993), which was read the first time and referred to the committee on claims.

Mr. Miller introduced a bill entitled "An act to amend the Forest, Fish and Game Law in relation to the pollution of streams" (Int. No. 994), which was read the first time and referred to the committee on fisheries and game.

Mr. Platt introduced a bill entitled "An act authorizing the Steuben County Agricultural Society to mortgage its property" (Int. No. 995), which was read the first time and referred to the committee on agriculture.

Mr. Rigby introduced a bill entitled "An act to amend chapter 182 of the Laws of 1892, entitled 'An act to incorporate the city of Mount Vernon,' relative to the compensation and duties of the clerk of the city court and providing for a stenographer and interpreter to said court" (Int. No. 996), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend chapter 182 of the Laws of 1892, entitled 'An act to incorporate the city of Mount Vernon,' relative to the compensation of the marshal of the city of Mount Vernon" (Int. No. 997), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend section 11 of chapter 565 of the Laws of 1890, entitled 'An act in relation to railroads, constituting chapter 39 of the general laws,' in relation to the construction of railroads across streets" (Int. No. 998), which

was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act relating to the paving and grading of streets and highways in the city of Mount Vernon, and authorizing such city to raise money therefor by the issue of bonds" (Int. No. 999), which was read the first time and referred to the committee on affairs of cities.

Mr. Rogers introduced a bill entitled "An act amending the State Finance Law in relation to the Comptroller's annual report" (Int. No. 1000), which was read the first time and referred to the committee on ways and means.

Mr. Salomon introduced a bill entitled "An act to amend chapter 580 of the Laws of 1902, entitled 'An act in relation to the municipal court of the city of New York, its officers and marshals,' relative to notices of taxation of costs in municipal courts of the city of New York" (Int. No. 1001), which was read the first time and referred to the committee on the judiciary.

Mr. Scovill introduced a bill entitled "An act to revise and consolidate the several acts in relation to the city of Hudson, and to revise the charter of said city" (Int. No. 1002), which was read the first time and referred to the committee on affairs of cities.

Mr. J. T. Smith introduced a bill entitled "An act to amend the Banking Law relative to the powers of trust companies" (Int. No. 1003), which was read the first time and referred to the committee on banks.

Mr. Stanley introduced a bill entitled "An act to amend sections 163 and 169 of the Railroad Law, in relation to the powers, duties, obligations and liabilities of the railroad commissioners and to increase the number of the same" (Int. No. 1004), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to amend sections 157, 161 and 162 of the Railroad Law, in relation to the powers, duties, obligations and liabilities of the Railroad Commissioners, and to



increase the number of the same" (Int. No. 1005), which was read the first time and referred to the committee on railroads.

Mr. Stevens introduced a bill entitled "An act to amend the Forest, Fish and Game Law relative to close season on trout" (Int. No. 1006), which was read the first time and referred to the committee on fisheries and game.

Mr. Sullivan introduced a bill entitled "An act to release to Margaret Marth all the right, title and interest of the people of the State of New York in and to certain real estate situated at Brentwood Plaza, Westchester county, and in certain real estate situated in the town of Southampton, Suffolk county, and State of New York, acquired by escheat or otherwise upon the death of Roman Marth, deceased" (Int. No. 1007), which was read the first time and referred to the committee on claims.

Also, a bill entitled "An act to amend the Greater New York charter relative to the jurisdiction of actions against the city" (Int. No. 1008), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend section 382 of the Greater New York charter, relative to the salary of the presidents of the boroughs" (Int. No. 1009), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act to amend the Greater New York charter relating to the preference in the paid fire department of volunteer firemen" (Int. No. 1010), which was read the first time and referred to the committee on affairs of cities.

Also, a bill entitled "An act authorizing the board of estimate and apportionment of the city of New York to audit and allow and also authorizing the comptroller of the city of New York to pay to certain persons compensation for services actually rendered to the city of New York in the school board in the year 1899" (Int. No. 1011), which was read the first time and referred to the committee on affairs of cities.

Mr. Waddell introduced a bill entitled "An act to amend the Transportation Corporations Law relative to the powers of certain electrical corporations" (Int. No. 1012), which was read

the first time and referred to the committee on electricity, gas and water supply.

Mr. Wainwright introduced a bill entitled "An act to amend the Railroad Law in relation to the protection of certain employees of street railroads" (Int. No. 1013), which was read the first time and referred to the committee on railroads.

Also, a bill entitled "An act to authorize the town of Pelham, in the county of Westchester, to acquire a site and construct a town hall in said town, and to issue bonds in payment therefor" (Int. No. 1014), which was read the first time and referred to the committee on internal affairs.

Mr. Wilson introduced a bill entitled "An act to amend chapter 142 of the Laws of 1879, entitled 'An act to amend chapter 125 of the Laws of 1842, entitled "An act to condense and amend the several acts relating to the village of Albion," and the several acts amendatory thereof,' generally" (Int. No. 1015), which was read the first time and referred to the committee on affairs of villages.

Mr. O'Neill introduced a bill entitled "An act to amend section 5 of chapter 507 of the Laws of 1901, entitled 'An act in relation to State printing, constituting chapter 52 of the general laws, and repealing certain acts and parts of acts inconsistent therewith'" (Int. No. 1016), which was read the first time and referred to the committee on public printing.

Mr. Prentice introduced a bill entitled "An act to amend the State Charities Law in relation to the board of managers of the Society for the Reformation of Juvenile Delinquents in the city of New York" (Int. No. 1017), which was read the first time and referred to the committee on the judiciary.

Mr. F. G. Whitney introduced a bill entitled "An act to amend the Town Law relative to the impounding of domestic fowl" (Int. No. 1018), which was read the first time and referred to the committee on internal affairs.

Also, a bill entitled "An act to amend the Forest, Fish and Game Law relative to fishing through the ice in the waters of the Big Sandy pond in Oswego county" (Int. No. 1019), which was

read the first time and referred to the committee on fisheries and game.

Mr. Fish introduced a bill entitled "An act to amend the Code of Civil Procedure relative to the partition and sale of real property of incompetents" (Int. No. 1020), which was read the first time and referred to the committee on codes.

Mr. Yale introduced a bill entitled "An act to amend the Greater New York charter relative to the acquisition of lands and water rights and the use of waters in Putnam county" (Int. No. 1021), which was read the first time and referred to the committee on electricity, gas and water supply.

Also, a bill entitled "An act to encourage the formation of companies to supply Pasteurized or clarified milk and cream and pure dairy products and to exempt the same from the provisions of sections 1 and 2 of chapter 290 of the Laws of 1899, and section 7 of the Stock Corporations Law" (Int. No. 1022), which was read the first time and referred to the committee on the judiciary.

Mr. Freidel introduced a bill entitled "An act to amend the Greater New York charter relating to the hours and duties of the members of the police force" (Int. No. 1023), which was read the first time and referred to the committee on affairs of cities.

Mr. Rogers introduced a bill entitled "An act to amend chapter 718 of the Laws of 1904, entitled 'An act authorizing the selection of lands as a site for the New York State Training School for Boys, and establishing the said school,' in relation to report, and exchange of lands" (Int. No. 1024), which was read the first time and referred to the committee on ways and means.

Mr. Burnett introduced a bill entitled "An act to amend the Greater New York charter relative to the operation of ferries and the acquirement of property therefor" (Int. No. 1031), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent,

Mr. Dowling introduced a bill entitled "An act to amend the

Greater New York charter relative to the municipal courts" (Int. No. 1041), which was read the first time and referred to the committee on the judiciary.

By unanimous consent,

Mr. O'Neill introduced a bill entitled "An act to amend the Greater New York charter relative to the police department of the city of New York" (Int. No. 1042), which was read the first time and referred to the committee on affairs of cities.

By unanimous consent,

Mr. McManus introduced a bill entitled "An act to amend chapter 370 of the Laws of 1899, entitled 'An act in relation to the civil service of the State and the cities and civil divisions thereof, constituting chapter 3 of the general laws,' relative to noncompetitive class in New York city" (Int. No. 1043), which was read the first time and referred to the committee on the judiciary.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Rogers, Int. No. 622, entitled "An act making an appropriation for the payment of the interest on the canal debt for the fiscal year beginning on the 1st day of October, 1905, and for the payment of a portion of the principal of said debt" (No. 688), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Patton, Int. No. 829, entitled "An act making an appropriation for the payment for the fiscal year beginning on the 1st day of October, 1904, of interest on the canal debt contracted, or to be contracted, under article 7, section 4 of the Constitution, and as provided by chapter 147 of the Laws of 1903" (No. 971), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Rogers, from the committee on ways and means, to which was referred the bill introduced by Mr. Patton, Int. No. 830, entitled "An act making an appropriation for the payment for



the fiscal year beginning on the 1st day of October, 1905, of interest on the canal debt contracted, or to be contracted, under article 7, section 4 of the Constitution, and as provided by chapter 147 of the Laws of 1903 " (No. 972), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Burnett, from the committee on affairs of cities, to which was referred the bill introduced by Mr. Stanley, Int. No. 457, entitled "An act to amend sections 1394 and 1396-a of the Greater New York charter by providing that police clerks shall be appointed during good behavior" (No. 487), reported in favor of the passage of the same with the following amendments:

Page 1, strike out the title and substitute a new title, as follows:

"An act to amend the Greater New York charter, relative to police clerks and the clerk of the children's court, first division."

Page 5, between lines 7 and 8, insert a new section, as follows:

"§ 3. Section fourteen hundred and eighteen of such act, as amended by chapter five hundred and ninety of the laws of nineteen hundred and two and chapter one hundred and fifty-nine of the laws of nineteen hundred and three, is hereby amended to read as follows:

"§ 1418. The justices of the special sessions of the first division shall assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates involving the trial or commitment of children, which part shall be called the children's court; and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said first division and such other and further powers, duties and jurisdiction as are contained in the following sections:

"The justices of the special sessions of the second division shall as soon as a special court building can be put in readiness assign a separate part for the hearing and disposition of cases heretofore within the jurisdiction of city magistrates, involving the trial or commitment of children, which part shall be called the children's court, second division, borough of Brooklyn, and in all such cases the justice or justices holding said court shall have all the powers, duties and jurisdiction now possessed by the city magistrates within said second division, except in the



borough of Queens and Richmond, and such other and further powers, duties and jurisdiction as are contained in the following sections :

“ Each of said children’s courts shall be held by one or more of the justices of special sessions in their respective divisions, as the circumstances require, in such manner as the said justices shall by rule provide.

“ Whenever, under any provision of law, after said separate parts shall be assigned, a child under sixteen years of age, unless jointly charged with one or more persons above that age, is taken into custody it shall be the duty of the officer having the child in charge, and at the earliest time when a justice will be present, to take such child before the children’s court, and shall not take said child, knowingly, to any city magistrate’s court, or before any city magistrate, except for the purpose of giving bail. If through inadvertence any such child shall be arraigned before a city magistrate, it shall be the duty of such magistrate, as soon as the age of such child is discovered, to transfer the case to the children’s court, in the division in which such case belongs, and if any papers have been prepared, to indorse the transfer thereon and to send the same with the officers to said court; and it is hereby made the duty of the officer to take such child with said papers to the children’s court with all convenient speed, to be heard and disposed of, pursuant to law by the justice there presiding. The justices of the court of special sessions for the first division shall appoint a clerk and a deputy clerk for the children’s court, first division, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be fixed by the board of aldermen, on the recommendation of the board of estimate and apportionment. The salary of the clerk of the children’s court, first division, shall be three thousand dollars per year, payable in monthly installments, and the clerk, appointed by the board of city magistrates in office at the time this act shall go into effect, shall continue in office during good behavior. [as clerk until removed therefrom by expiration of term or by due process of law.]

“ The justices of the court of special sessions for the second division shall appoint a clerk and a deputy clerk for the children’s court, second division, borough of Brooklyn, and such and so many officers and attendants, including a stenographer, as may be necessary, whose salaries, except the clerk, shall be

fixed by the board of aldermen on the recommendation of the board of estimate and apportionment. The salary of the clerk shall be two thousand five hundred dollars per year, payable in monthly installments, and he shall continue in office as clerk until removed therefrom by expiration of term or by due process of law. The term of office of the clerk of the children's court, second division, shall be for five years. The justice shall have authority to appoint or designate not more than three discreet persons of good character to serve as probation officers during the pleasure of the court. It shall be the duty of said probation officers to make such investigation as may be required by the court, to be present in court in order to represent the interests of the child; when the case is heard, to furnish to the court such information and assistance as he may require, and to take charge of any child before and after trial as may be directed by the court.

"The said courts shall be held in some building separate and apart from one used for the trial of persons above the age of sixteen charged with any criminal offence.

"Nothing herein contained shall affect any provisions of law with respect to the temporary commitment by magistrates of children as witnesses for the trial of any criminal case. For statistical purposes the clerk of each of said children's courts, annually, at such time and in such form as the board of city magistrates of the first division may require, as to the children's court in the first division, and in such form as the justices of the court of special sessions in the second division may require as to such children's court in Brooklyn, shall prepare in duplicate a report of the arrests, commitments and disposition, with such other data as said board may require, of all persons arraigned in or brought before such court during the year; one of which said duplicates shall be transmitted to the board of city magistrates in their respective divisions to be included in its annual report; and the other shall be transmitted to the mayor and be printed in the city record."

Same page, line 8, strike out the figure "3" and insert the figure "4."

JEAN L. BURNETT,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Bedell, Int. No. 842, entitled "An act to amend the Railroad Law in relation to the incorporation and powers of railroad corporations" (No. 984), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Beihlf, Int. No. 36, entitled "An act to require the construction of an elevated railroad station at the corner of One Hundred and Thirtieth street and Eighth avenue, in the city of New York" (No. 36), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Thonet, Int. No. 69, entitled "An act to amend the Railroad Law in relation to the protection of street railroad employees in the counties of Kings and Queens" (No. 69), reported in favor of the passage of the same with the following amendment:

Page 2, line 5, strike out the words "and on both sides of the platform."

LOUIS BEDELL,

*Chairman.*

Which report was agreed to and said bill ordered reprinted as amended and placed on the order of second reading.

Mr. Bedell, from the committee on railroads, to which was referred the bill introduced by Mr. Fuller, Int. No. 668, entitled "An act to amend chapter 507 of the Laws of 1903, entitled 'An act to abolish certain grade crossings of highways and railroads in the borough of Brooklyn in the city of New York and county of Kings, and providing for necessary changes in the grades of highways, streets and avenues, and of portions of the railroad and right of way of the New York, Brooklyn and Manhattan Beach Railway Company, leased to the Long Island Railroad

Company, and of the Brooklyn Union Elevated Railroad Company, leased to the Brooklyn Heights Railroad Company, so as to abolish present and avoid future crossings at grade, and providing means for the payment for such alterations or changes, as amended by chapter 603 of the Laws of 1904' " (No. 756), reported the same with the following amendments, and request that said bill be recommitted to said committee:

Page 8, line 15, strike out bracket and insert parenthesis.

Same page, line 16, strike out bracket and underscoring from the words " as provided by law," and insert parenthesis after the word " law."

Same page, line 17, strike out brackets and parentheses.

Page 9, line 10, insert and underscore the word " shall " after the word " stock."

LOUIS BEDELL,  
*Chairman.*

Which report was agreed to and said bill ordered reprinted and recommitted to said committee.

Mr. Bedell, from the committee on railroads, to which was recommitted the bill introduced by Mr. Ellis, Int. No. 35, entitled "An act to prohibit the construction of elevated or surface railroad or railroads on any public park or public place in any city of over 1,000,000 inhabitants or over without the consent and approval of the mayor and board of aldermen of said city" (No. 420), reported adversely thereto, which report was agreed to and said bill rejected.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Wedemeyer, Int. No. 647, entitled "An act to amend the Code of Civil Procedure relative to exemptions of jurors from service" (No. 727), reported in favor of the passage of the same without amendment, which report was agreed to and said bill placed on the order of second reading.

Mr. Phillips, from the committee on codes, to which was referred the bill introduced by Mr. Merritt, Int. No. 515, entitled "An act to amend the Penal Code relative to disorderly houses" (No. 565), reported in favor of the passage of the same without



## PLAN OF INDEX.

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This Journal is indexed upon the following plan :

1. Every bill relating to a locality may be found indexed under the name of that locality and ordinarily will not be found indexed under the subject to which it relates.

2. All bills relating to Kings county will be found under the Borough of Brooklyn, and all bills relating to Greater New York under New York City and Boroughs of Manhattan, Bronx, Brooklyn, Richmond and Queens.

3. Every general bill will be found indexed under the proper subject.

4. Every resolution, excepting those recalling bills, will be found under "Resolutions."

5. Every bill relating to canals will be found under "Canals."

6. The bills relating to general laws under the proper heads, i. e., "Banking Law," "Benevolent Orders Law," "Game Law," "Lien Law," "Revised Statutes," &c., &c., also under the head "General Laws."

7. All claim bills under "Claims."

8. Bills relating to cities of either class under "Cities of 1st Class," "Cities of 2d Class," &c., &c.

9. All code amendments under the heads of "Code Civil," "Code Criminal," and "Code Penal."

10. All petitions under "Petitions," and reports under "Reports."

11. All points of order under "Points of Order."

12. All decisions and acts of Speaker under "Speaker."

13. Privileges of floor under "Privilege."

14. All matters not relating to bills under the proper head.

15. The numbers used in this index, viz.: "Int. No.," refers to Assembly bill and its introductory number, and when "Rec. No." is used, it refers to a Senate bill and its reception number.



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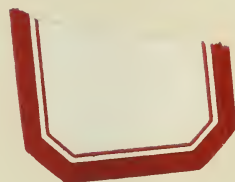


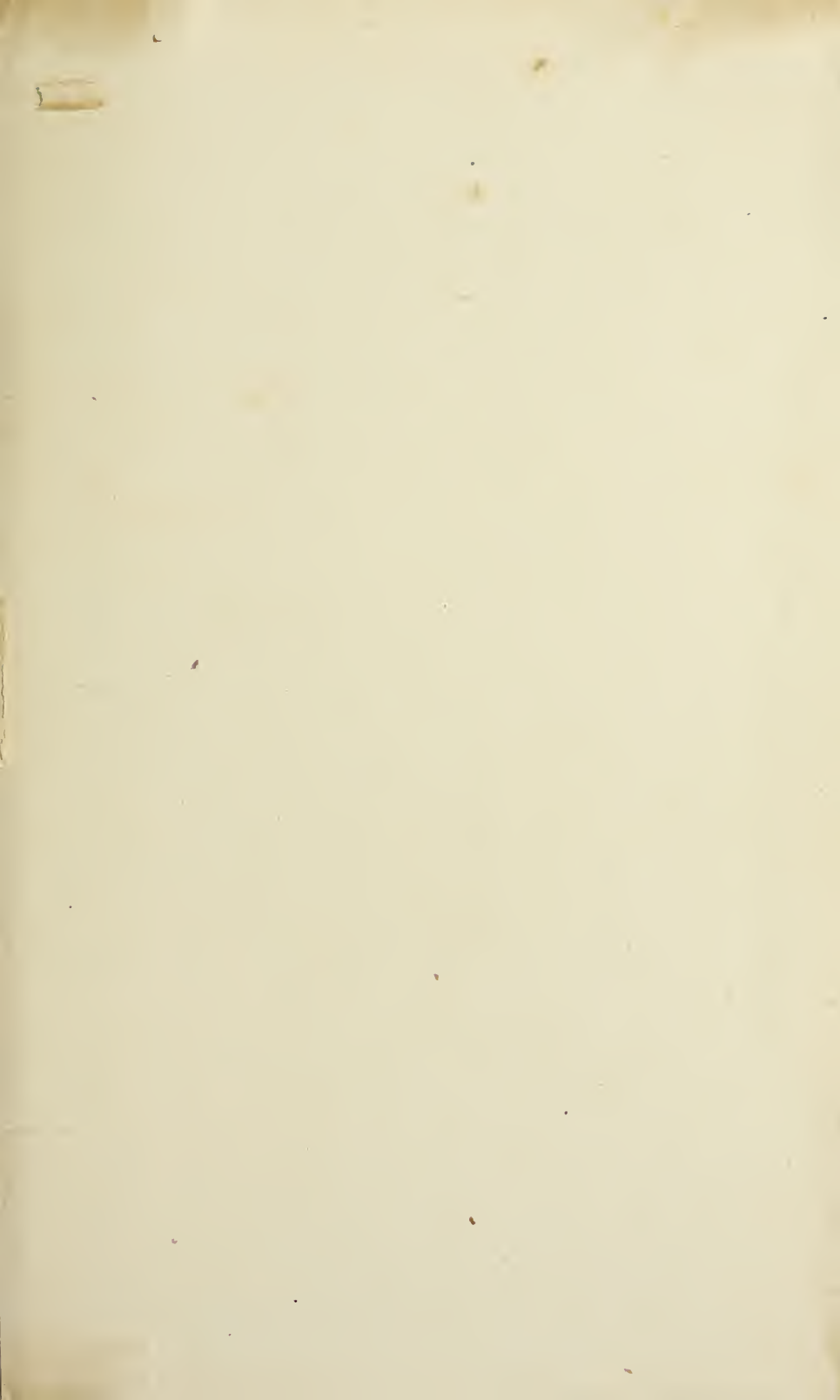














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